

1 The Honorable Benjamin H. Settle
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 MICKEY FOWLER, LEISA MAURER, and a
10 class of similarly situated individuals,

11 Plaintiffs,

12 v.

13 TRACY GUERIN, Director of the Washington
14 State Department of Retirement Systems,

15 Defendant.

Case No. 3:15-cv-05367-BHS

**DECLARATION OF PHILIP M.
GUESS IN OPPOSITION TO
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT TO:**

**(1) DETERMINE FORMULA
(2) CALCULATE DAMAGES**

16 I, Philip M. Guess, declare as follows:

17 1. I am a partner at K&L Gates LLP, 925 Fourth Avenue, Suite 2900, Seattle,
18 Washington, 98104. I am duly licensed to practice law in the State of Washington and I am
19 counsel of record for Defendant in the above-captioned matter. I make this declaration in
20 support of Defendant's Opposition to Plaintiffs' Motion for Summary Judgment. I have
21 personal knowledge of the facts stated in this declaration, and, if called as a witness, would and
22 could testify competently about them.

23 2. Attached as Exhibit A, is a true and accurate copy of the discovery responses
24 Defendant provided to Plaintiffs on March 7, 2025.

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DECLARATION OF PHILIP M. GUESS
IN OPPOSITION TO PLAINTIFFS'
MOTION TO DETERMINE
FORMULA FOR INJUNCTIVE RELIEF - 1
Case No. 3:15-cv-05367-BHS

K&L GATES LLP
925 FOURTH AVENUE, SUITE 2900
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TELEPHONE: +1 206 623 7580
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1 3. Attached as Exhibit B, is a true and accurate copy of the correspondence between
 2 myself and Plaintiffs' counsel, seeking an extension of time to respond to Plaintiffs' motion.
 3 Plaintiffs denied this request.

4 4. Attached as Exhibit C, is a true and accurate copy of the subpoena to Plaintiffs'
 5 Expert, John Marshall, seeking documents necessary to understanding and responding to Mr.
 6 Marshall's newly undisclosed opinion.

7 5. Attached as Exhibit D, is a true and accurate copy of correspondence with
 8 Plaintiffs' counsel in which they accepted service of the subpoena.

9 6. The additional discovery needed, as sought in the Subpoena (Exhibit C),
 10 includes, but is not limited to:

11 a. All documents showing facts or data considered in calculating the
 12 alleged amount of loss in Plaintiffs' 2025 Motion for each of the three
 13 components, including all mathematical formulas, all databases and all
 14 computer code used.

15 b. All documents showing facts or data considered that resulted in the
 16 difference in the alleged amount loss between Plaintiffs 2021 Motion and
 17 Plaintiffs 2025 Motion.

18 These are documents that, pursuant to Federal Rule of Civil Procedure 26(a)(2)(B), should have
 19 been produced with any expert opinion.

20 7. The reason for the need for such information is apparent. Plaintiffs', through the
 21 most recently filed Declaration of John D. Marshall ("Marshall Declaration"), are seeking over
 22 \$137 million in damages. To assess the validity or accuracy of the damage claim, a defendant
 23 must: i) understand the formula used; ii) know the analysis, assumptions, and variables that
 24 were applied; and iii) be able to see how the expert actually applied the formula and calculated
 25 the damages. To complete this analysis, one not only requires an expert report with a clear
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DECLARATION OF PHILIP M. GUESS
 IN OPPOSITION TO PLAINTIFFS'
 MOTION TO DETERMINE
 FORMULA FOR INJUNCTIVE RELIEF - 2
 Case No. 3:15-cv-05367-BHS

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1 description of the analysis, but also all material relied upon to generate that report, including
 2 native excel spreadsheets (i.e., with formulas), back-up material, and computer programs
 3 including access to the code. Without such information, Plaintiffs' damage request is a
 4 proverbial black box, providing an unsupported numerical request for damages.

5 8. I have reviewed in detail the Declaration of Sarah E. Blocki in Opposition to
 6 Plaintiffs' Motion. In that declaration, Ms. Blocki confirms and identifies how this information
 7 is needed to test and replicate Marshall's computations and computer code for accuracy (*id.* ¶¶
 8 10, 13); evaluate and respond to Plaintiffs interest rate calculations for the First and Second
 9 Component (*id.* ¶ 20); evaluate the calculations for the Second Component (*id.* ¶21); evaluate
 10 the method for calculating the account balances on a calendar-quarter-by-calendar-quarter basis
 11 up to the dates of transfer (*id.* ¶ 22); evaluate the calculations of the Third Component (*id.* ¶
 12 23); understand Plaintiffs suggested start date for the Third Component (*id.* ¶24); understand
 13 the manner in which Plaintiffs handled negative transactions (*id.* ¶ 30); understand the manner
 14 in which Plaintiffs handled negative transactions without associated earnings periods (*id.* 31);
 15 and otherwise understand how and why Marshall's calculations changed from his prior
 16 declaration to the current declaration (*id.* ¶ 36). Importantly, without this necessary information,
 17 particularly the actual mathematical formula(s) used, Defendants are left guessing at what other
 18 inaccuracies may be present in Marshall's calculations that Marshall has failed to disclose and
 19 articulate. As a result, there are likely more issues than those presented by Ms. Blocki, but
 20 Defendants have no way of knowing those issues without the requested information.

21 9. This information is necessary to allow Defendants to properly analyze Plaintiffs'
 22 proposal. Indeed, Defendants are currently in the process of retaining an expert who can then
 23 review this information and provide a fulsome rebuttal opinion.

24 I declare under penalty of perjury of the laws of the United States that the foregoing is
 25 true and correct.

26
 DECLARATION OF PHILIP M. GUESS
 IN OPPOSITION TO PLAINTIFFS'
 MOTION TO DETERMINE
 FORMULA FOR INJUNCTIVE RELIEF - 3
 Case No. 3:15-cv-05367-BHS

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1 Executed this 14th day of March 2025, in Seattle, Washington.

2 s/ Philip M. Guess
3 Philip M. Guess

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DECLARATION OF PHILIP M. GUESS
IN OPPOSITION TO PLAINTIFFS'
MOTION TO DETERMINE
FORMULA FOR INJUNCTIVE RELIEF - 4
Case No. 3:15-cv-05367-BHS

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1 **CERTIFICATE OF SERVICE**

2 I, Philip M. Guess, certify that on March 14, 2025, I caused the foregoing document to
3 be electronically filed with the Clerk of the Court using the CM/ECF system, which will
4 automatically send email notification of such filing to the registered attorneys of record.

5 Dated March 14, 2025.

6
7 /s/ Philip M. Guess
8 Philip M. Guess, WSBA #26765
9 K&L Gates LLP
925 Fourth Avenue Suite 2900
Seattle, WA 98104
(206) 623-7580
10 Email: philip.guess@klgates.com

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DECLARATION OF PHILIP M. GUESS
IN OPPOSITION TO PLAINTIFFS'
MOTION TO DETERMINE
FORMULA FOR INJUNCTIVE RELIEF - 5
Case No. 3:15-cv-05367-BHS

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EXHIBIT A

Jaberi, Emaan R.

From: Guess, Philip
Sent: Friday, March 7, 2025 4:51 PM
To: Steve Strong; David Stobaugh; Alex Strong
Cc: Carrie Jo Daugherty; Erika Haack; Anders Forsgaard; Mitchell, Robert; andrew.krawczyk@atg.wa.gov; Kiana Reeves; Jaberi, Emaan R.; Nagamine, Ruby A.
Subject: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) -Responses to Interrogatories/Document Requests
Attachments: FInal-Defendants Responses and Objections to Plaintiffs Discovery Requests(322729778.1).pdf; Exhibit A.xlsx

Counsel:

Attached is Defendant's Response/Objections to Plaintiff's Discovery Requests together with Exhibit A.

Phil Guess.

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICKEY FOWLER, LEISA MAURER, and a
class of similarly situated individuals,

Plaintiffs,

V.

TRACY GUERIN, Director of the Washington State Department of Retirement Systems,

Defendant.

Case No. 3:15-cv-05367-BHS

DEFENDANT'S RESPONSES AND
OBJECTIONS TO PLAINTIFFS'
INTERROGATORIES AND REQUESTS
FOR DOCUMENTS DATED JANUARY
31, 2025

Pursuant to Federal Rules of Civil Procedure 26, 33, and 34, Defendant Kathryn Leathers¹ (“the Director”) provides these objections and responses to Plaintiffs’ Interrogatories (“Interrogatories”) and Requests for Production of Documents (“Requests”), served on January 31, 2025 (collectively, “Discovery Requests”). Each of the following responses is made only for the purposes of this action. Each response is subject to all rights to objections as to relevance, materiality, and admissibility of any and all information and documents requested, and to any

¹ Kathryn Leathers was recently appointed to serve as Director of the Department of Retirement Systems. The Director will complete the required procedure to substitute Ms. Leathers for Ms. Guerin.

1 and all objections on any ground that would require exclusion of any response if it were
 2 introduced in court. All evidentiary objections are expressly reserved.

3 **OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS IN INTRODUCTION**

4 1. The Director objects to these Interrogatories and Requests in that they
 5 inappropriately seek information that should be sought in expert discovery. The Director
 6 provides this response now, which identifies the proposed computations, notes issues remaining
 7 to be addressed, and provides examples of the proposed computations. Nonetheless, the
 8 Director is in the process of retaining an expert which will review (and potentially refine and
 9 revise) the computation, present it in an expert report, and provide expert testimony at a
 10 hearing/trial regarding the appropriate amounts due to the Class Members.

11 2. The Director objects to the Interrogatories and Requests on the basis that they
 12 seek information subject to the attorney-client privilege, the work product doctrine, or both.
 13 Much of the information requested in the Interrogatories and Requests seek information that
 14 constitutes work with, or communications between, the Washington State Department of
 15 Retirement Systems, on the one hand, and its counsel, on the other. The Director will not
 16 provide or disclose information that is subject to attorney-client privilege or work product
 17 doctrine, nor will it produce any privileged materials.

18 3. The Director objects to the Interrogatories and Requests to the extent they
 19 attempt to impose requirements not included in Federal Rules of Civil Procedure 33 and 34.
 20 The Director will respond to Plaintiffs' Interrogatories and Requests as required by the Federal
 21 Rules of Civil Procedure.

22 4. The Director objects to paragraph (b) in Plaintiffs' Introduction to the extent it
 23 attempts to impose a requirement that responses to Requests include "information in the
 24 possession of your attorneys, or other persons directly or indirectly employed by you,
 25 representing you, or connected with you or your attorneys, or anyone on your behalf subject to
 26 your control or direction," which is not required by Federal Rule of Civil Procedure 34. The

1 Director further objects to the extent the Introduction attempts to impose requirements in
 2 answering Interrogatories beyond those required by Federal Rule of Civil Procedure 33. The
 3 Director will respond to the Plaintiffs' Interrogatories and Requests as required by the Federal
 4 Rules of Civil Procedure. The Director's response to the Requests and Interrogatories reflects
 5 the knowledge of those persons who, the Director believes, have information regarding this
 6 matter. If the Director discovers other individuals with first-hand knowledge regarding this
 7 matter, and their information adds to what is reflected in the Director's responses, those
 8 responses will be supplemented.

9 5. The Director objects that the Discovery Requests do not specify a relevant time
 10 period, and such Discovery Requests are therefore overly broad and unduly burdensome and
 11 seek documents and information that are irrelevant to the claims in this case. The Director is
 12 willing meet and confer with Plaintiffs regarding a reasonable and appropriate relevant time
 13 period.

14 6. The Director objects to the definition of "Department" as overly broad and
 15 unduly burdensome to the extent it includes persons and entities that are not within the
 16 Directors' control.

17 7. The Director objects to the definition of "Identify" as overly broad, unduly
 18 burdensome, and creating discrete subparts of Interrogatories that would exceed the limits of
 19 Federal Rule of Civil Procedure 33(a)(1). The Director further objects to the definition to the
 20 extent it would preclude the Director from exercising her right to produce business records
 21 pursuant to Federal Rule of Civil Procedure 33(d). The Director will provide information
 22 sufficient for the parties to understand the identity of individuals, events, and documents.

23 8. The Director objects to the definitions of "Omitted interest," "Omitted transfer
 24 payment," and "Investment returns." The Director further disagrees that any "Omitted interest"
 25 or "Omitted transfer payment" was "received and retained in the TRS Plan 2/3 trust fund." The
 26

1 Director will provide the appropriate terms and definitions in her response to Interrogatory No.

2 1.

3 **OBJECTIONS AND RESPONSES TO INTERROGATORIES AND REQUESTS FOR**
 4 **DOCUMENTS**

5 **INTERROGATORY NO. 1:** Please describe what calculations were made or planned by the
 6 Department of the amounts of omitted interest, omitted transfer payment, and/or investment
 7 returns in this case up to the date of the Department's final response to these discovery requests,
 8 including for each calculation:

- 9 (1) a description of what was done and/or is planned;
- 10 (2) the dates(s) and time period(s) when any calculation was done or planned;
- 11 (3) the identities of those who worked on the calculation and the planning, including
 any experts;
- 13 (4) descriptions of the scope of work, the data used in each calculation and plan, and
 what each person did; and
- 15 (5) descriptions of the results, output, and calculations obtained, including any amounts
 of omitted interest, omitted transfer payment, and/or investment returns for each teacher
 or for an aggregate of teachers, including the class as a whole.

18 **ANSWER:**

19 The Director objects to this Interrogatory on the basis that it seeks information subject
 20 to the attorney-client privilege, the work product doctrine, or both. The Director will not provide
 21 such information. The Director further objects to this Interrogatory as unduly burdensome,
 22 overly broad, and not proportional to the needs of the case because it requests information not
 23 relevant to any party's claim or defense and, even if it did, the burdens of providing the
 24 requested information outweigh any potential benefit. The Department further objects that the
 25 term "calculations" is overbroad, unduly burdensome, vague, ambiguous, and fails to identify
 26 with reasonable particularity the information sought. The Director further objects to this

1 Request as it attempts to impose on the Director an obligation to predict what she might do in
 2 the future, rather than to provide factual information. The Director further objects to this
 3 Interrogatory on the basis that it contains multiple subparts that constitute separate
 4 interrogatories for the purposes of determining the total number of interrogatories Plaintiffs
 5 may serve in this litigation. The Director objects to this Interrogatory as overbroad, unduly
 6 burdensome, irrelevant, and not proportional to the needs of the case because it fails to identify
 7 a relevant time period.

8 Subject to and notwithstanding the foregoing objections, the Director responds as
 9 follows:

10 The Director will interpret this request to be seeking the Director's method for
 11 computing:

- 12 • **First Component:** the difference between the interest credited to the Class
 13 Members and the revised interest to be credited to the Class Members accounting
 14 for daily interest.
- 15 • **Second Component:** the difference between the "additional payment" credited
 16 to the Class Members and the revised "additional payment" to be credited to the
 17 Class Members under RCW 41.32.8401. The Director refers to this "additional
 18 payment" as the "Additional Transfer Payment."
- 19 • **Third Component:** The interest based on the two prior components. The
 20 Director disputes Plaintiffs' characterization of this as "Investment Returns,"
 21 and the Plaintiffs' proposed method for determining the proper rate. Instead, the
 22 rate should be "what a reasonably prudent person investing funds so as to
 23 produce a reasonable return while maintaining safety of principal . . . would
 24 receive." *Schneider v. County of San Diego*, 285 F.3d 784, 792 (9th Cir. 2002)
 25 (internal quotation marks and citations omitted). Subject to clarification by the
 26

Court, the Director contends the rate is an issue of fact that should be determined through expert testimony consistent with *Schneider*.

The Director is working to complete a preliminary calculation of the first component for the first, approximately, 23,000 Class Members, but this is not yet completed. Moreover, this is not the entirety of the class, and there are factual issues and other complexities (see *infra*, Section V).

The Director, in response to requests by the Department's counsel, has asked numerous individuals to work on aspects of this computation. The Director identifies the following individuals as having first-hand knowledge related to the computations: Tye Knudsen, Greg Deam, Sarah Blocki, Joel Farson, and Rebecca Eaton. Leaders at the Department, counsel at the Washington State Office of the Attorney General, and counsel at K&L Gates have been involved in related discussions. Both the computations and the related discussions implicate attorney-client privilege and the work product doctrine.

There are a variety of ways in which these calculations can be completed. The Director believes the Department's methodology is practical, legal, logical, and fair. The Director, however, is open to discussion with Plaintiffs regarding the different aspects of these calculations. Moreover, the Director is currently in the process of identifying and retaining an expert to evaluate both Plaintiffs' proposal and the Director's proposal, and to identify which approach, or if another approach, is the most reasonable in their expert opinion.

The Director has attached as Exhibit A, an Excel spreadsheet (provided in native format). The following written responses elucidate the process set out in the spreadsheet. Exhibit A contains an application of the Director's proposed methodology to two individuals. Exhibit A, Sheet 1 (Screenshots) is a screenshot from the DRS Member Information System (“MIS”), showing the manner in which a particular member's, (here Member #864675), contributions are recorded in the MIS. DRS has previously extracted the details of all

1 contributions for all class members and provided them to Plaintiffs in various Excel files.² The
 2 second sheet is for an individual Class Member with relatively few transactions, Member #
 3 864675, allowing for a simpler explanation of the proposed calculations that follow. Exhibit A,
 4 Sheet 2 (Member 864675 Computation). An additional Class Member, Member # 00020249,
 5 with more transactions is provided in Exhibit A, Sheet 3 (Member 00020249 Computation) to
 6 depict this methodology on a Class Member with considerably more transactions. However,
 7 Member # 00020249's transactions involve two of the complexities described *infra*, Section V
 8 (Negative Transactions and MM/00/YYYY). For Member # 00020249 the calculations were
 9 conducted in the same manner as for Member # 864675, without varying the process to account
 10 for these issues, because there are questions of fact and assumptions that are properly addressed
 11 by expert testimony and discovery. As mentioned, the Director is currently in the process of
 12 identifying and retaining an expert to opine on these issues and others related to which proposal
 13 is most reasonable in their expert opinion.

14 I. Glossary of Terms

15 The attached Exhibit A, as well as the description that follows uses the following terms:

- 16 • “**Contribution**” or “**Contribution Amount**” – Each month, a member’s employer
 17 reports any contributions to TRS Plan 2 that have been subtracted from the
 18 member’s paycheck. This amount recorded in the Department’s database is referred
 19 to here as a “**Contribution Amount**.”
- 20 • “**Transaction Date**” – The date a Contribution Amount or other Transaction is
 21 recorded in the Department’s database.

22
 23
 24
 25 ² <Fowler Class Clean Accounts Detail with Earning Period 2020-07-07.csv>; <Fowler Detail
 26 T2-T3 Inactive CLEAN Transfers Jan 6.2021.csv>; <FowlerInstallment1b.xlsx>;
 <FowlerInstallment2b.xlsx>; <FowlerInstallment3b.xlsx>; <FowlerInstallment4b.xlsx>;
 <FowlerInstallment5b.xlsx>; <FowlerInstallment6b.xlsx>; <FowlerInstallment7b.xlsx>;
 <FowlerInstallment8b.xlsx>; and <FowlerInstallment9b.xlsx>.

- 1 • “**Earning Period**” – The month during which the compensation underlying a
2 particular Contribution was earned.
- 3 • “**Quarters**” – For purposes of the proposed formula that calculates daily interest
4 compounded quarterly, the number of days that Contributions remained in Plan 2
5 must be converted into quarters.
- 6 • “**Transfer Date**” – The date the member’s TRS Plan 2 Contributions (and interest
7 thereon) were transferred into TRS Plan 3.
- 8 • “**Class Member**” – Those individuals within the certified class.
- 9 • “**Transaction**” – An event that changes the balance in a member’s Plan 2 account.
- 10 • “**Converted Transaction Date**” – Because the DRS system logs Transaction Dates
11 as YYYYMMDD, the Transaction Date must be converted into MM/DD/YYYY.
- 12 • “**Interest from Transaction Date to Transfer Date**” – For each separate
13 Transaction, the amount of daily interest compounded quarterly for that Transaction
14 from the Transaction Date to the Transfer Date.
- 15 • “**Calculated Interest**” – For a given Class Member, the total daily interest
16 compounded quarterly for all Transactions. This is the sum of interest calculated for
17 each of the individual Transactions.
- 18 • “**Actual Interest**” – The amount of interest that was originally credited to the Class
19 Member’s [notional] Plan 2 account and transferred to Plan 3.
- 20 • “**Value of Contribution on 1/1/1996**” – This term contains two categories. For
21 Contributions with Transaction Dates prior to 1/1/1996, the value of such
22 contribution on 1/1/1996, including daily interest compounded quarterly. For
23 Contributions with Transaction Dates after 1/1/1996 that relate to earnings periods
24 prior to 1/1/1996, the value of such Contribution without interest.

- **“Calculated Transfer Basis”** – For a given Class Member, the revised transfer basis, based on daily interest compounded quarterly for all Transactions. This is the sum of the Value[s] of Contribution[s] on 1/1/1996 for each relevant transaction.
- **“Actual Transfer Basis”** – the Transfer Basis that was originally used for the Class Member.
- **“Additional Transfer Payment”** - This is calculated by finding the difference between the Calculated Transfer Basis and the Actual Transfer Basis and then multiplying by the relevant percentage (65%, 45%, or 0%).

II. First Component Calculation

There are multiple possible approaches, each requiring expert analysis and testimony to determine its appropriateness. The Director is considering the following method to compute the First Component for a particular Class Member. The description that follows refers to excerpts from Exhibit A.

| Member # | Contribution Amt | Transaction Date | Earning Period | | | | Converted Transaction Date | Days in Plan 2 Prior to Transfer | Quarters | Value of Contribution on Transfer Date | Interest from Transaction Date to Transfer Date |
|----------|------------------|------------------|----------------|------|---|---|----------------------------|----------------------------------|-------------|--|---|
| 864675 | 150.56 | 19980109 | 199711 | 1998 | 1 | 9 | 1/9/1998 | 31 | 0.339493498 | \$151.26 | \$0.70 |

Exhibit A, Sheet 2 (Member 864675 Computation) (Screenshot of Columns D-O and Rows 9-10).

Step 1:

For each of the Class Member’s Transactions, using Member #864675, the first step in the Director’s proposal is to determine the days the Contribution was in Plan 2 prior to transfer to Plan 3. This number is shown in the column labeled “Days in Plan 2 Prior to Transfer,” in the excerpt above. That number is equal to the Transfer Date minus the Transaction Date.

For example, the Transfer Date for Member #864675 is 2/9/1998, and the Converted Transaction Date for that Contribution is 1/9/1998. Thus, the total “Days in Plan 2 prior to Transfer” is 31 days. The days are then converted to quarters to be used in a formula that

compounds interest quarterly.³ This results in approximately .339 quarters.

Step 2:

Next, the value of the Contribution on the Transfer Date is calculated as follows. This is shown in the column labeled “Value of Contribution on Transfer Date.”

Value of Contribution on Transfer Date =

(Contribution Amount) x (1 + Quarterly Rate)^{Quarters}

Stated differently:

Value of Contribution on Transfer Date =

(Contribution Amount) x $(1+.055/4)^{\text{Quarters}}$

Through this formula, daily interest is compounded quarterly. Using the numbers provided above for Member #864675 (with some minor rounding⁴ for ease of explanation):

$$\$151.26 = \$150.56 \times (1+.055/4)^{339}$$

Step 3:

Next, the difference between the Value of Contribution on Transfer Date and the Contribution Amount represents the Interest from Transaction Date to Transfer Date.

Interest from Transaction Date to Transfer Date =

Value of Contribution on Transfer Date – Contribution Amount

For this Class Member, Member #864675, that is:

$$\$151.26 - \$150.56 = \$0.70$$

At this point, the above three steps are repeated for each of the Class Member's Contributions, and the results are added together to determine the total Calculated Interest. As

³ The average days in a quarter are 91.3125. This is computed over a four-year period: $(365 + 365 + 365 + 366)/16$. Therefore the “Days in Plan 2 Prior to Transfer” is divided by 91.3125 to be converted into quarters.

⁴ The actual calculations in Exhibit A do not use the same rounding that is being used to describe the calculations, which is only for ease of explanation in this interrogatory answer.

1 depicted in Exhibit A, doing so for Member #864675 yields \$171.41 in Calculated Interest.
 2 Exhibit A, Sheet 2 (Member 864675 Computation), Column O.

3 **Step 4:**

4 The next step is to subtract the Actual Interest (interest that was credited to the Class
 5 Member's account and subsequently transferred to Plan 3) from the Calculated Interest:

6 First Component = Calculated Interest – Actual Interest

7 For this Class Member, Member #864675:

8
$$\$28.09 = \$171.41 - \$143.32$$

9 Therefore, the total calculation for the First Component for this Class Member, Member
 10 #864675, is \$28.09.

11 **III. Second Component Calculation**

| Days from Transaction Date to 1/1/1996 | Quarters | Value of Contribution on 1/1/1996 | Interest from Transaction Date to 1/1/1996 |
|--|-------------|--------------------------------------|--|
| | | 63.61 | |
| | | 27.3 | |
| | | 63.43 | |
| | | 8.73 | |
| 21 | 0.229979466 | \$52.36 | \$0.16 |
| 21 | 0.229979466 | \$104.24 | \$0.33 |
| Calculated Transfer Basis | | \$319.67 | |
| Actual Transfer Basis | | 319.18 | |
| Difference | | \$0.49 | |
| 65% of Difference | | \$0.32 | |

23 Exhibit A, Sheet 2 (Member 864675 Computation).

24 **Step 1:**

25 The Second Component, while similar to the First Component, requires some additional
 26 calculations. First, the Value of Contribution on 1/1/1996 is calculated in conceptually the same

1 manner as the Value of Contribution on Transfer Date for Component 1, for those contributions
 2 before 1/1/1996 (the Statutory Date established by RCW 41.32.8401). For this Class Member,
 3 Member #864675, the Value of Contribution on 1/1/1996 equals \$52.36 and \$104.24, for two
 4 Contributions that occurred on 12/11/1995.

5 The data for the Class Member, Member #864675 in this example also includes
 6 contributions with Transaction Dates after 1/1/1996 that were earned prior to 1/1/1996 (those
 7 contributions are highlighted in green). For those Contributions, the Director's proposed
 8 method considers the Value of Contribution on 1/1/1996 to be equal to the Contribution Amount
 9 (without interest).

10 The "Value of Contribution on 1/1/1996" for each relevant Contribution is added together.
 11 The sum is the Calculated Transfer Basis (upon which the Transfer Payment is calculated). For
 12 this Class Member, Member #864675, the Calculated Transfer Basis is \$319.67.

13 **Step 2:**

14 The next step is to determine the difference between the Calculated Transfer Basis and
 15 the Actual Transfer Basis.

16
$$\text{difference} = \text{Calculated Transfer Basis} - \text{Actual Transfer Basis}$$

17 For this Class Member, Member #864675, this is:

18
$$\$0.49 = \$319.67 - \$319.18$$

19 **Step 3:**

20 The last step is to multiply the difference between the Calculated Transfer Basis and the
 21 Actual Transfer Basis by the relevant percentage (65%, 45%, or 0%) to determine the
 22 Additional Transfer Payment, which yields the Second Component for this Class Member,
 23 Member #864675.

24
$$\text{Second Component} =$$

25
$$(\text{difference between Calculated Transfer Basis and Actual Transfer Basis}) \times (\text{percentage})$$

26 For this Class Member, Member #864675, this is:

$$1 \quad \$0.32 = \$0.49 \times 65\%$$

2 Therefore, the total calculation for the Second Component is \$0.32 for this Class Member,
 3 Member #864675.

4 **IV. Third Component Calculation**

5 The beginning of the Third Component is the sum of the First and Second Components.
 6 For this Class Member, Member #864675, that is:

$$7 \quad \$28.41 = \$28.09 + \$0.32$$

8 The next step would be to apply an appropriate rate to determine the amount that is required
 9 to justly compensate the Class Members for an alleged unconstitutional taking that occurred in
 10 the past. This is not the amount that the Plan 2/3 trust fund earned on the funds that were
 11 allegedly taken from the Class Members. Rather, in a Section 1983 action predicated on an
 12 unconstitutional taking, the amount of prejudgment interest is “what a reasonably prudent
 13 person investing funds so as to produce a reasonable return while maintaining safety of principal
 14 . . . would receive.” *Schneider v. County of San Diego*, 285 F.3d 784, 792 (9th Cir. 2002)
 15 (internal quotation marks and citations omitted). This requires “evidence of the rate that would
 16 be generated by investment in a diverse group of securities, including treasury bills.” (*Id.* at
 17 793) and is an issue of fact. *Id.* at 790 The Director is seeking clarity from the Court and is
 18 seeking an expert to opine as to the appropriate applicable rate as well as the actual computation
 19 of such amounts. This expert witness will assemble and present evidence and will do so as soon
 20 as the Court confirms that the calculation of interest in this case will be done in accordance with
 21 *Schneider*.

22 **V. Factors Not Addressed in this Calculation.**

23 The Director has used the example of Class Member, Member #864675, to illustrate its
 24 proposed computation. The Director has also conducted the proposed calculations for an
 25 additional Class Member, Member #00020249, on Exhibit A, Sheet 3, Member 00020249
 26 Computation. Many other issues apply to other Class Members, including Member #00020249,

1 which must be addressed where they arise. These include:

- 2 1. **Anomalous data for 389 Individuals:** When the Director initially provided data to
3 Plaintiffs, information for 389 individuals was withheld to confirm its accuracy.
4 After review, the Director provided data on these members to Plaintiffs *as it appears*
5 *in the Department's database* and, to the extent possible, highlighted transactions
6 that it believed may require special handling in the calculation of daily interest. The
7 Department is working on proposals for the handling of various categories of these
8 anomalies.
- 9 2. **Negative Transactions:** Certain transactions in the Department's database are
10 negative. These entries reverse prior Contribution Amounts that were incorrect. The
11 Department is working on a proposal for a reasonable way to handle these
12 transactions within the context of its general proposal.
- 13 3. **MM/00/YYYY:** Some Transaction Dates appear in the form mm/00/YYYY – i.e.
14 no specific day of the month is recorded for the transaction. The Department is
15 working on a proposal for handling this issue.
- 16 4. The Director anticipates other issues will arise.

17 **VI. Conclusion**

18 Per the above, the Director reserves the right to modify or supplement this response
19 subject to an expert retention, as well as the Director's ongoing investigation into the
20 allegations, new information, and/or legal research or analysis, as well as any other basis
21 permitted under the Federal Rules of Civil Procedure.

22
23 **REQUEST FOR DOCUMENTS NO. 1:** Please provide all documents relating to the
24 calculations mentioned in the question and/or answer to Interrogatory No. 1, including those
25 pertaining to instigation of the work, the work plan, instructions, specifications, drafts, other
26 items pertaining to how the work will be or was conducted, the calculations' output or results

1 sought, and comments and communications about the plan, scope of work, calculations, output,
 2 and/or results.

3 **RESPONSE:**

4 The Director objects to this Request on the basis that it seeks information subject to the
 5 attorney-client privilege, the work product doctrine, or both. The Director will not produce such
 6 documents. The Director further objects to this Request as unduly burdensome, overly broad,
 7 and not proportional to the needs of the case because it requests documents not relevant to any
 8 party's claim or defense and, even if it did, the burdens of providing the requested information
 9 outweigh any potential benefit. The Director further objects to the phrase "all documents
 10 relating to the calculations mentioned in the question and/or answer to Interrogatory No. 1" as
 11 overbroad, unduly burdensome, vague, ambiguous, and failing to identify with reasonable
 12 particularity the documents sought. The Director objects to this Request as overbroad, unduly
 13 burdensome, irrelevant, and not proportional to the needs of the case because it fails to identify
 14 a relevant time period. Finally, to the extent the Director's objections to Interrogatory No. 1 are
 15 equally applicable to this Request because the Request incorporates the Interrogatory by
 16 reference, the Director objects on those bases as well.

17 Subject to and notwithstanding the forgoing objections:

18 Plaintiffs have already received numerous documents and information, including the
 19 following:

- 20 • Smith_001; Bates stamped Smith_0000001–2834, produced on June 15, 2021
- 21 • Smith_002; Bates stamped Smith_0002835–6071, produced on June 16, 2021
- 22 • Smith_003; Bates stamped Smith_0006072–8915, produced on June 18, 2021
- 23 • Smith_004; Bates stamped Smith_0008916–10511, produced on June 23, 2021
- 24 • Public Record Request documents, produced in 2020–2021
- 25 • Class member information and data
- 26 • Documents and information in related proceedings

1 There are many hundreds of thousands of emails and well over 700 gigs of material that could
 2 be implicated by Plaintiff's request, the vast majority of which is subject to attorney-client and
 3 work product privileges. Reviewing all this material would be an enormous expense and burden
 4 to the Director, far outweighing any potential relevance to this action.

5 Nonetheless, the Department is willing to meet and confer to determine the scope of
 6 reasonable requests as well as a reasonable date limitation, search terms, and custodians.

7 The Director reserves the right to modify or supplement this response as this case
 8 proceeds, based on the Director's ongoing investigation into the allegations, new information,
 9 and/or legal research or analysis, as well as any other basis permitted under the Federal Rules
 10 of Civil Procedure.

11 **REQUEST FOR DOCUMENTS NO. 2:** Please provide all documents considered by,
 12 mentioned by, or created by or received by Sarah Blocki while working with or assisting "DRS
 13 with needs related to this litigation" and "active in preparing the data to be produced to the
 14 plaintiffs." Blocki [5/17/21] Dec.; Blocki [5/31/23] Dec. This includes all documents she
 15 created, received, and/or viewed in connection with any of this work—"questions noted by the
 16 programmer," programmers' notes, emails, answers to questions, instructions to programmers,
 17 queries, communications with others in the Department—all information and details about how
 18 DRS's interest crediting program worked; all information showing where the contribution dates
 19 are found (Blocki [5/31/23] Dec. at 5, lines 21-24), all information showing why (a)
 20 "transaction dates" were provided to plaintiffs instead of the contribution dates (*id.* at line 25;
 21 *id.* at 6, lines 1-6) and (b) why contribution dates were needed or useful for calculations, and
 22 all information concerning Sarah Blocki's views as to how the calculation would be made in an
 23 "appropriate manner," as Ms. Blocki suggests.

24 **RESPONSE:**

25 The Director incorporates by reference her response to Request for Documents No. 1.

26 **REQUEST FOR DOCUMENTS NO. 3:** Please provide all calculations (as described in

1 Interrogatory No. 1) and estimates of value or cost of this case, including omitted interest,
2 omitted transfer payment, and investment returns, provided to elements of the State, including
3 the Department, the Legislature, the Select Committee on Pension Policy, the Department's
4 budget office, the State Actuary, the Office of Financial Management, the Attorney General's
5 Office, and the State Treasurer.

6 **RESPONSE:**

7 The Director incorporates by reference her response to Request for Documents No. 1.

8

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10 DATED this 7th day of March, 2025.

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1
2 K&L Gates LLP
3
4
5 By s/ Philip M. Guess
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15 todd.nunn@klgates.com
16 Attorneys for Defendant
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Source Data: Screenshot from MIS (Member Information System--DRS's database)

This shows member's contributions from the beginning of her career through March 11, 1996 (in reverse chronological order).

For example:

The member's initial contributions (at the bottom of the screen) were recorded in MIS on 12/11/1995 for \$103.91 and \$52.20.

The member's contributions recorded 3/11/1996 were \$2.03 and \$80.85.

It is possible to scroll up to see the member's contributions throughout her career.

DRS extracted all such contributions and put them in the Excel File <Fowler Class Clean Accounts Detail with Earning Period 2020-07-07>. This file was provided to Plaintiffs.

For cross reference (as an example), the 12/11/1995 and 3/11/1996 contributions are highlighted in magenta in the sample calculation using the extracted data. See other sheet.

02/16/25 DEPARTMENT OF RETIREMENT SYSTEMS MIRP0220
 22:01:38 REVIEW FINANCIAL TRANSACTIONS MIRM0220
 Ver 3.10 FINCL

*MEMBER SSN: [REDACTED] *SYS/PLAN: T2 > [REDACTED]

Start At Transaction Mo/Yr: __ __ View Non-Posted Transactions: N (Y/N)

| Transact Date | Rpt Mo/Yr | Earn Mo/Yr | Dept Nmbr | Member Savings | Member Invoice# | Employer Invoice# | Optional Bill# | Audit Find Id |
|---------------|-----------|------------|-----------|----------------|-----------------|-------------------|----------------|---------------|
| 03/11/1996 | 02/96 | 02/96 | 171210 | 2.03 | | | | |
| 03/11/1996 | 02/96 | 01/96 | 171210 | 80.85 | | | | |
| 02/09/1996 | 01/96 | 01/96 | 171210 | 25.21 | | | | |
| 02/09/1996 | 01/96 | 12/95 | 171210 | 63.61 | | | | |
| 01/09/1996 | 12/95 | 12/95 | 171210 | 27.30 | | | | |
| 01/09/1996 | 12/95 | 11/95 | 171210 | 63.43 | | | | |
| 01/09/1996 | 12/95 | 10/95 | 171210 | 8.73 | | | | |
| 12/11/1995 | 11/95 | 11/95 | 171210 | 52.20 | | | | |
| 12/11/1995 | 11/95 | 10/95 | 171210 | 0.00 | | | | |
| 12/11/1995 | 11/95 | 10/95 | 171210 | 103.91 | | | | |

***** End of Data *****

<Fowler Class Clean Accounts Transfer Data 2020-04-25>

Data in this file is used in DRS's proposed calculation.

The screen shot below pertains to the sample member whose calculations are done on the preceding sheet.

| A | B | C | D | E | F | G | H | I | J | K | L | M |
|-------------|-----------|------------|-------------|--------------------|------------|-----------------------|------------------------|------------------------|--------------------------|----------------------------|--------------------------|----------------------------|
| Member ID # | Last Name | First Name | Middle Name | Plan Transfer Date | Trade Date | Transfer Basis Amount | Plan 2 Account Balance | Plan 2 Interest Amount | Transfer Payment Date #1 | Transfer Payment Amount #1 | Transfer Payment Date #2 | Transfer Payment Amount #2 |
| 864675 | | | | 19980209 | 19980210 | \$319.18 | \$3,134.28 | \$143.32 | 19980225 | \$127.67 | 19980624 | \$79.79 |

PROPOSED CALCULATIONS FOR MEMBER 864675

1/1/1996

Transfer Date

2/9/1998 Cells highlighted in gray contain comments.

Plan 2 Interest \$ 143.32
 Transfer Payment Amount #1 \$ 127.67
 Transfer Payment Amount #2 \$ 79.79
 Transfer Basis Amount \$ 319.18

| Member # | Contribution Amt | Transaction Date | Earning Period | Converted Transaction Date | Days in Plan 2 Prior to Transfer | Quarters | Value of Contribution on Transfer Date | Interest from Transaction Date to Transfer Date | Days from Transaction Date to 1/1/1996 | | | Value of Contribution on 1/1/1996 | Interest from Transaction Date to 1/1/1996 | | |
|----------|------------------|------------------|----------------|----------------------------|----------------------------------|----------|--|---|--|----------|---------|-----------------------------------|--|----------|--------|
| | | | | | | | | | Transfer Date | Days | Months | | | | |
| 864675 | 150.56 | 19980109 | 199711 | 1998 | 1 | 9 | 1/9/1998 | 31 | 0.339493498 | \$151.26 | \$0.70 | | | | |
| 864675 | 14.14 | 19980109 | 199710 | 1998 | 1 | 9 | 1/9/1998 | 31 | 0.339493498 | \$14.21 | \$0.07 | | | | |
| 864675 | 164.68 | 19971209 | 199710 | 1997 | 12 | 9 | 12/9/1997 | 62 | 0.678986995 | \$165.21 | \$1.53 | | | | |
| 864675 | 67.46 | 19971105 | 199710 | 1997 | 11 | 5 | 11/5/1997 | 96 | 1.051334702 | \$68.44 | \$0.98 | | | | |
| 864675 | 65.89 | 19971105 | 199709 | 1997 | 11 | 5 | 11/5/1997 | 96 | 1.051334702 | \$66.84 | \$0.95 | | | | |
| 864675 | 34.27 | 19971105 | 199708 | 1997 | 11 | 5 | 11/5/1997 | 96 | 1.051334702 | \$34.77 | \$0.50 | | | | |
| 864675 | 11.15 | 19971007 | 199708 | 1997 | 10 | 7 | 10/7/1997 | 125 | 1.368925394 | \$113.36 | \$0.21 | | | | |
| 864675 | 148.42 | 19971007 | 199709 | 1997 | 10 | 7 | 10/7/1997 | 125 | 1.368925394 | \$151.22 | \$2.80 | | | | |
| 864675 | 79.04 | 19970909 | 199706 | 1997 | 9 | 9 | 9/9/1997 | 153 | 1.675564682 | \$80.87 | \$1.83 | | | | |
| 864675 | 67.4 | 19970811 | 199706 | 1997 | 8 | 11 | 8/11/1997 | 182 | 1.993155373 | \$69.26 | \$1.86 | | | | |
| 864675 | 79.04 | 19970811 | 199705 | 1997 | 8 | 11 | 8/11/1997 | 182 | 1.993155373 | \$81.22 | \$2.18 | | | | |
| 864675 | 140.28 | 19970709 | 199705 | 1997 | 7 | 9 | 7/9/1997 | 215 | 2.354551677 | \$144.86 | \$4.58 | | | | |
| 864675 | 47.42 | 19970709 | 199704 | 1997 | 7 | 9 | 7/9/1997 | 215 | 2.354551677 | \$48.97 | \$1.55 | | | | |
| 864675 | 151.13 | 19970603 | 199704 | 1997 | 6 | 3 | 6/3/1997 | 251 | 2.74880219 | \$156.91 | \$5.78 | | | | |
| 864675 | 95.43 | 19970603 | 199703 | 1997 | 6 | 3 | 6/3/1997 | 251 | 2.74880219 | \$99.08 | \$3.65 | | | | |
| 864675 | 68.51 | 19970502 | 199703 | 1997 | 5 | 2 | 5/2/1997 | 283 | 3.099247091 | \$71.47 | \$2.96 | | | | |
| 864675 | 10.53 | 19970502 | 199702 | 1997 | 5 | 2 | 5/2/1997 | 283 | 3.099247091 | \$10.99 | \$0.46 | | | | |
| 864675 | 96.88 | 19970409 | 199702 | 1997 | 4 | 9 | 4/9/1997 | 306 | 3.351129363 | \$101.42 | \$4.54 | | | | |
| 864675 | 10.55 | 19970409 | 199701 | 1997 | 4 | 9 | 4/9/1997 | 306 | 3.351129363 | \$11.04 | \$0.49 | | | | |
| 864675 | 94.67 | 19970311 | 199701 | 1997 | 3 | 11 | 3/11/1997 | 335 | 3.668720055 | \$99.53 | \$4.86 | | | | |
| 864675 | 21.08 | 19970210 | 199701 | 1997 | 2 | 10 | 2/10/1997 | 364 | 3.986310746 | \$22.26 | \$1.18 | | | | |
| 864675 | 70.29 | 19970210 | 199612 | 1997 | 2 | 10 | 2/10/1997 | 364 | 3.986310746 | \$74.22 | \$3.93 | | | | |
| 864675 | 72.47 | 19970110 | 199611 | 1997 | 1 | 10 | 1/10/1997 | 395 | 4.325804244 | \$76.88 | \$4.41 | | | | |
| 864675 | 15.81 | 19970110 | 199612 | 1997 | 1 | 10 | 1/10/1997 | 395 | 4.325804244 | \$16.77 | \$0.96 | | | | |
| 864675 | 21.08 | 19961210 | 199611 | 1996 | 12 | 10 | 12/10/1996 | 426 | 4.665297741 | \$22.47 | \$1.39 | | | | |
| 864675 | 70.28 | 19961210 | 199610 | 1996 | 12 | 10 | 12/10/1996 | 426 | 4.665297741 | \$74.90 | \$4.62 | | | | |
| 864675 | 57.97 | 19961112 | 199610 | 1996 | 11 | 12 | 11/12/1996 | 454 | 4.971937029 | \$62.04 | \$4.07 | | | | |
| 864675 | 21.08 | 19961112 | 199609 | 1996 | 11 | 12 | 11/12/1996 | 454 | 4.971937029 | \$22.56 | \$1.48 | | | | |
| 864675 | 79.04 | 19961010 | 199609 | 1996 | 10 | 10 | 10/10/1996 | 487 | 5.333333333 | \$85.01 | \$5.97 | | | | |
| 864675 | 73.77 | 19960910 | 199606 | 1996 | 9 | 10 | 9/10/1996 | 517 | 5.661875428 | \$79.70 | \$5.93 | | | | |
| 864675 | 3.18 | 19960910 | 199605 | 1996 | 9 | 10 | 9/10/1996 | 517 | 5.661875428 | \$3.44 | \$0.26 | | | | |
| 864675 | 5.27 | 19960823 | 199606 | 1996 | 8 | 23 | 8/23/1996 | 535 | 5.859000684 | \$5.71 | \$0.44 | | | | |
| 864675 | 76.94 | 19960823 | 199605 | 1996 | 8 | 23 | 8/23/1996 | 535 | 5.859000684 | \$83.35 | \$6.41 | | | | |
| 864675 | 39.45 | 19960709 | 199605 | 1996 | 7 | 9 | 7/9/1996 | 580 | 6.351813826 | \$43.02 | \$3.57 | | | | |
| 864675 | 46.41 | 19960709 | 199604 | 1996 | 7 | 9 | 7/9/1996 | 580 | 6.351813826 | \$50.62 | \$4.21 | | | | |
| 864675 | 86.65 | 19960614 | 199604 | 1996 | 6 | 14 | 6/14/1996 | 605 | 6.625598905 | \$94.86 | \$8.21 | | | | |
| 864675 | 33.77 | 19960614 | 199603 | 1996 | 6 | 14 | 6/14/1996 | 605 | 6.625598905 | \$36.97 | \$3.20 | | | | |
| 864675 | 5.33 | 19960509 | 199602 | 1996 | 5 | 9 | 5/9/1996 | 641 | 7.019849418 | \$5.87 | \$0.54 | | | | |
| 864675 | 86.45 | 19960509 | 199603 | 1996 | 5 | 9 | 5/9/1996 | 641 | 7.019849418 | \$95.15 | \$8.70 | | | | |
| 864675 | 79.92 | 19960409 | 199602 | 1996 | 4 | 9 | 4/9/1996 | 671 | 7.348391513 | \$88.36 | \$8.44 | | | | |
| 864675 | 2.03 | 19960311 | 199602 | 1996 | 3 | 11 | 3/11/1996 | 700 | 7.665982204 | \$2.25 | \$0.22 | | | | |
| 864675 | 80.85 | 19960311 | 199601 | 1996 | 3 | 11 | 3/11/1996 | 700 | 7.665982204 | \$89.77 | \$8.92 | | | | |
| 864675 | 25.21 | 19960209 | 199601 | 1996 | 2 | 9 | 2/9/1996 | 731 | 8.005475702 | \$28.12 | \$2.91 | | | | |
| 864675 | 63.61 | 19960209 | 199512 | 1996 | 2 | 9 | 2/9/1996 | 731 | 8.005475702 | \$70.96 | \$7.35 | | | | |
| 864675 | 27.3 | 19960109 | 199512 | 1996 | 1 | 9 | 1/9/1996 | 762 | 8.344969199 | \$30.60 | \$3.30 | | | | |
| 864675 | 63.43 | 19960109 | 199511 | 1996 | 1 | 9 | 1/9/1996 | 762 | 8.344969199 | \$71.09 | \$7.66 | | | | |
| 864675 | 8.73 | 19960109 | 199510 | 1996 | 1 | 9 | 1/9/1996 | 762 | 8.344969199 | \$9.78 | \$1.05 | | | | |
| 864675 | 52.2 | 19951211 | 199511 | 1995 | 12 | 11 | 12/11/1995 | 791 | 8.66255989 | \$58.76 | \$6.56 | 21 | 0.229979466 | \$52.36 | \$0.16 |
| 864675 | 103.91 | 19951211 | 199510 | 1995 | 12 | 11 | 12/11/1995 | 791 | 8.66255989 | \$116.96 | \$13.05 | 21 | 0.229979466 | \$104.24 | \$0.33 |

Calculated Interest \$171.41
 Actual Interest 143.32
 Difference \$28.09

Calculated Transfer Basis \$319.67
 Actual Transfer Basis 319.18
 Difference \$0.49
 65% of Difference \$0.32

Total Additional Amt to Deposit in Plan 3 Account
 \$28.41

PROPOSED CALCULATIONS FOR MEMBER 00020249

1/1/1996

| Transfer Date | 12/9/1996 | Member # | Contribution Amt | Transaction Date | Earning Period | Converted Transaction Date | Days in Plan 2 Prior to Transfer | Quarters | Value of Contribution on Transfer Date | Interest from Transaction Date to Transfer Date | Days from Transaction Date to 1/1/1996 | | | Value of Contribution on 1/1/1996 | Interest from Transaction Date to 1/1/1996 |
|----------------------------|-----------|----------|------------------|------------------|----------------|----------------------------|----------------------------------|-------------|--|---|--|-------------|------------|-----------------------------------|--|
| | | | | | | | | | | | Transfer Date | Quarters | Value | | |
| Transfer Basis Amount | 43377.96 | 00020249 | 000267.59 | 19960919 | 199607 | 1996 9 | 19 | 9/19/1996 | 81 | 0.887063655 | 270.85 | 3.26 | | | |
| Plan 2 Interest | 13668.9 | 00020249 | 000040.17 | 19961015 | 199608 | 1996 9 | 19 | 9/19/1996 | 81 | 0.887063655 | 35.63 | 0.43 | | | |
| Transfer Payment Amount #1 | 17351.18 | 00020249 | 000015.97 | 19961015 | 199607 | 1996 10 | 15 | 10/15/1996 | 55 | 0.602327173 | 16.10 | 0.13 | | | |
| Transfer Payment Amount #2 | 10844.48 | 00020249 | 000005.32 | 19961015 | 199606 | 1996 10 | 15 | 10/15/1996 | 55 | 0.602327173 | 5.36 | 0.04 | | | |
| Transfer Basis Amount | 43377.96 | 00020249 | 000267.59 | 19960919 | 199607 | 1996 9 | 19 | 9/19/1996 | 81 | 0.887063655 | 270.85 | 3.26 | | | |
| 00020249 | 000035.20 | 19960919 | 199606 | 1996 9 | 19 | 9/19/1996 | 81 | 0.887063655 | 35.63 | 0.43 | | | | | |
| 00020249 | 000304.92 | 19960826 | 199606 | 1996 8 | 26 | 8/26/1996 | 105 | 1.149897331 | 309.75 | 4.83 | | | | | |
| 00020249 | 000005.32 | 19960826 | 199605 | 1996 8 | 26 | 8/26/1996 | 105 | 1.149897331 | 5.40 | 0.08 | | | | | |
| 00020249 | 000008.52 | 19960826 | 199604 | 1996 8 | 26 | 8/26/1996 | 105 | 1.149897331 | 8.65 | 0.13 | | | | | |
| 00020249 | 000005.32 | 19960826 | 199602 | 1996 8 | 26 | 8/26/1996 | 105 | 1.149897331 | 5.40 | 0.08 | | | | | |
| 00020249 | 00021.98 | 19960711 | 199606 | 1996 7 | 11 | 7/11/1996 | 151 | 1.653661875 | 22.48 | 0.50 | | | | | |
| 00020249 | 000131.09 | 19960711 | 199605 | 1996 7 | 11 | 7/11/1996 | 151 | 1.653661875 | 134.08 | 2.99 | | | | | |
| 00020249 | 00034.81 | 19960711 | 199604 | 1996 7 | 11 | 7/11/1996 | 151 | 1.653661875 | 35.61 | 0.80 | | | | | |
| 00020249 | 000104.26 | 19960711 | 199603 | 1996 7 | 11 | 7/11/1996 | 151 | 1.653661875 | 106.64 | 2.38 | | | | | |
| 00020249 | 000292.15 | 19960618 | 199605 | 1996 6 | 18 | 6/18/1996 | 174 | 1.905544148 | 299.85 | 7.70 | | | | | |
| 00020249 | 000305.45 | 19960508 | 199604 | 1996 5 | 8 | 5/8/1996 | 215 | 2.354551677 | 315.43 | 9.98 | | | | | |
| 00020249 | 00016.81 | 19960409 | 199601 | 1996 4 | 9 | 4/9/1996 | 244 | 2.672142368 | 17.43 | 0.62 | | | | | |
| 00020249 | 000275.34 | 19960409 | 199603 | 1996 4 | 9 | 4/9/1996 | 244 | 2.672142368 | 285.57 | 10.23 | | | | | |
| 00020249 | 000074.45 | 19960409 | 199602 | 1996 4 | 9 | 4/9/1996 | 244 | 2.672142368 | 7.73 | 0.28 | | | | | |
| 00020249 | 00257.64 | 19960307 | 199602 | 1996 3 | 7 | 3/7/1996 | 277 | 3.03353672 | 268.54 | 10.90 | | | | | |
| 00020249 | 000008.30 | 19960307 | 199601 | 1996 3 | 7 | 3/7/1996 | 277 | 3.03353672 | 8.65 | 0.35 | | | | | |
| 00020249 | 000042.17 | 19960307 | 199511 | 1996 3 | 7 | 3/7/1996 | 277 | 3.03353672 | 43.95 | 1.78 | | | | | |
| 00020249 | 000308.12 | 19960209 | 199601 | 1996 2 | 9 | 2/9/1996 | 304 | 3.329226557 | 322.45 | 14.33 | | | | | |
| 00020249 | 000177.43 | 19960110 | 199512 | 1996 1 | 10 | 1/10/1996 | 334 | 3.657768652 | 186.52 | 9.09 | | | | | |
| 00020249 | 000118.97 | 19960110 | 199511 | 1996 1 | 10 | 1/10/1996 | 334 | 3.657768652 | 125.06 | 6.09 | | | | | |
| 00020249 | 000012.78 | 19960110 | 199510 | 1996 1 | 10 | 1/10/1996 | 334 | 3.657768652 | 13.43 | 0.65 | | | | | |
| 00020249 | 00006.39 | 19960110 | 199509 | 1996 1 | 10 | 1/10/1996 | 334 | 3.657768652 | 6.72 | 0.33 | | | | | |
| 00020249 | 00150.00 | 19951211 | 199511 | 1995 12 | 11 | 12/11/1995 | 364 | 3.986310746 | 158.39 | 8.39 | 21 | 0.229979466 | \$ 150.47 | \$ 0.47 | |
| 00020249 | 00142.15 | 19951211 | 199510 | 1995 12 | 11 | 12/11/1995 | 364 | 3.986310746 | 150.10 | 7.95 | 21 | 0.229979466 | \$ 142.60 | \$ 0.45 | |
| 00020249 | 00228.62 | 19951114 | 199510 | 1995 11 | 14 | 11/14/1995 | 391 | 4.281996631 | 242.39 | 13.77 | 48 | 0.525667351 | \$ 230.27 | \$ 1.65 | |
| 00020249 | 000086.91 | 19951114 | 199508 | 1995 11 | 14 | 11/14/1995 | 391 | 4.281996631 | 92.14 | 5.23 | 48 | 0.525667351 | \$ 87.54 | \$ 0.63 | |
| 00020249 | 000374.94 | 19951012 | 199509 | 1995 10 | 12 | 10/12/1995 | 424 | 4.643394935 | 360.06 | 22.12 | 81 | 0.887063655 | \$ 342.06 | \$ 4.12 | |
| 00020249 | 000019.18 | 19951012 | 199508 | 1995 10 | 12 | 10/12/1995 | 424 | 4.643394935 | 20.44 | 1.26 | 81 | 0.887063655 | \$ 19.41 | \$ 0.23 | |
| 00020249 | 000200.31 | 19950911 | 199507 | 1995 9 | 11 | 9/11/1995 | 455 | 4.982884433 | 214.42 | 14.11 | 112 | 1.226557153 | \$ 203.69 | \$ 3.38 | |
| 00020249 | 000068.14 | 19950911 | 199506 | 1995 9 | 11 | 9/11/1995 | 455 | 4.982884433 | 72.94 | 4.80 | 112 | 1.226557153 | \$ 69.29 | \$ 1.15 | |
| 00020249 | 000051.36 | 19950817 | 199506 | 1995 8 | 17 | 8/17/1995 | 480 | 5.256673511 | 55.18 | 3.82 | 137 | 1.500342231 | \$ 52.42 | \$ 1.06 | |
| 00020249 | 000114.49 | 19950817 | 199505 | 1995 8 | 17 | 8/17/1995 | 480 | 5.256673511 | 123.01 | 8.52 | 137 | 1.500342231 | \$ 118.86 | \$ 2.37 | |
| 00020249 | 000011.67 | 19950817 | 199504 | 1995 8 | 17 | 8/17/1995 | 480 | 5.256673511 | 12.54 | 0.87 | 137 | 1.500342231 | \$ 11.91 | \$ 0.24 | |
| 00020249 | 000128.86 | 19950817 | 199503 | 1995 8 | 17 | 8/17/1995 | 480 | 5.256673511 | 138.45 | 9.59 | 137 | 1.500342231 | \$ 131.53 | \$ 2.67 | |
| 00020249 | 00268.45 | 19950714 | 199506 | 1995 7 | 14 | 7/14/1995 | 514 | 5.629021218 | 289.90 | 21.45 | 171 | 1.872689938 | \$ 275.40 | \$ 6.95 | |
| 00020249 | 000284.02 | 19950622 | 199505 | 1995 6 | 12 | 6/22/1995 | 536 | 5.869952088 | 307.73 | 23.71 | 193 | 2.113620808 | \$ 292.34 | \$ 8.32 | |
| 00020249 | 000277.81 | 19950511 | 199504 | 1995 5 | 11 | 5/11/1995 | 578 | 6.32991102 | 302.89 | 25.08 | 235 | 2.57357974 | \$ 287.75 | \$ 9.94 | |
| 00020249 | 000002.32 | 19950511 | 199503 | 1995 5 | 11 | 5/11/1995 | 578 | 6.32991102 | 2.53 | 0.21 | 235 | 2.57357974 | \$ 2.40 | \$ 0.08 | |
| 00020249 | 000007.78 | 19950511 | 199502 | 1995 5 | 11 | 5/11/1995 | 578 | 6.32991102 | 8.48 | 0.70 | 235 | 2.57357974 | \$ 8.06 | \$ 0.28 | |
| 00020249 | 000001.67 | 19950508 | 199504 | 1995 8 | 17 | 8/17/1995 | 480 | 5.256673511 | 12.54 | 0.87 | 264 | 2.891170431 | \$ 279.26 | \$ 10.81 | |
| 00020249 | 000006.57 | 19950508 | 199503 | 1995 8 | 17 | 8/17/1995 | 480 | 5.256673511 | 138.45 | 9.59 | 264 | 2.891170431 | \$ (1.01) | \$ (0.04) | |
| 00020249 | 000221.79 | 19950503 | 199502 | 1995 3 | 13 | 3/13/1995 | 637 | 6.976043806 | 7.23 | 0.66 | 294 | 3.219712526 | \$ 6.87 | \$ 0.30 | |
| 00020249 | 000069.28 | 19950503 | 199501 | 1995 3 | 13 | 3/13/1995 | 637 | 6.976043806 | 76.20 | 6.92 | 294 | 3.219712526 | \$ 72.39 | \$ 3.11 | |
| 00020249 | 000005.84 | 19950513 | 199412 | 1995 3 | 13 | 3/13/1995 | 637 | 6.976043806 | 6.42 | 0.58 | 294 | 3.219712526 | \$ 6.10 | \$ 0.26 | |
| 00020249 | 000003.89 | 19950513 | 199411 | 1995 3 | 13 | 3/13/1995 | 637 | 6.976043806 | 4.28 | 0.39 | 294 | 3.219712526 | \$ 4.06 | \$ 0.17 | |
| 00020249 | 000248.82 | 19950209 | 199501 | 1995 2 | 9 | 2/9/1995 | 669 | 7.326488706 | 275.00 | 26.18 | 326 | 3.570157426 | \$ 261.25 | \$ 12.43 | |
| 00020249 | -14.59 | 19950209 | 199412 | 1995 2 | 9 | 2/9/1995 | 669 | 7.326488706 | -16.13 | -1.54 | 326 | 3.570157426 | \$ (15.32) | \$ (0.73) | |
| 00020249 | 000048.82 | 19950209 | 199411 | 1995 2 | 9 | 2/9/1995 | 669 | 7.326488706 | 53.96 | 5.14 | 326 | 3.570157426 | \$ 51.26 | \$ 2.44 | |
| 00020249 | 000178.43 | 19950109 | 199412 | 1995 1 | 9 | 1/9/1995 | 700 | 7.665982204 | 198.12 | 19.69 | 357 | 3.909650924 | \$ 188.22 | \$ 9.79 | |
| 00020249 | 000102.67 | 19950109 | 199411 | 1995 1 | 9 | 1/9/1995 | 700 | 7.665982204 | 114.00 | 11.33 | 357 | 3.909650924 | \$ 108.30 | \$ 5.63 | |
| 00020249 | 000002.92 | 19950109 | 199410 | 1995 1 | 9 | 1/9/1995 | 700 | 7.665982204 | 3.24 | 0.32 | 357 | 3.909650924 | \$ 3.08 | \$ 0.16 | |
| 00020249 | 000156.71 | 19941214 | 199411 | 1994 12 | 14 | 12/14/1994 | 726 | 7.950718686 | 174.68 | 17.97 | 383 | 4.194387406 | \$ 165.95 | \$ 9.24 | |
| 00020249 | 000140.92 | 19941214 | 199410 | 1994 12 | 14 | 12/14/1994 | 726 | 7.950718686 | 157.08 | 16.16 | 383 | 4.194387406 | \$ 149.23 | \$ 8.31 | |
| 00020249 | 000016.54 | 19941214 | 199409 | 1994 12 | 14 | 12/14/1994 | 726 | 7.950718686 | 18.44 | 1.90 | 383 | 4.194387406 | \$ 17.52 | \$ 0.98 | |
| 00020249 | 000212.17 | 19941115 | 199410 | 1994 11 | 15 | 11/15/1994 | 755 | 8.268303377 | 237.53 | 25.36 | 412 | 4.511978097 | \$ 225.65 | \$ 13.48 | |
| 00020249 | 000066.09 | 19941115 | 199409 | 1994 11 | 15 | 11/15/1994 | 755 | 8.268303377 | 73.99 | 7.90 | 412 | 4.511978097 | \$ 70.29 | \$ 4.20 | |
| 00020249 | 000258.65 | 19941011 | 199409 | 1994 10 | 11 | 10/11/1994 | 790 | 8.651608487 | 291.09 | 3 | | | | | |

| | | | | | | | | | | | | | | | |
|----------|-----------|----------|--------|------|----|----|------------|------|-------------|--------|-------|------|-------------|------------|-----------|
| 00020249 | 000131.89 | 19940809 | 199403 | 1994 | 8 | 9 | 8/9/1994 | 853 | 9.341546886 | 149.84 | 17.95 | 510 | 5.585215606 | \$ 142.34 | \$ 10.45 |
| 00020249 | 000007.55 | 19940809 | 199402 | 1994 | 8 | 9 | 8/9/1994 | 853 | 9.341546886 | 8.58 | 1.03 | 510 | 5.585215606 | \$ 8.15 | \$ 0.60 |
| 00020249 | 000111.71 | 19940809 | 199401 | 1994 | 8 | 9 | 8/9/1994 | 853 | 9.341546886 | 13.30 | 1.59 | 510 | 5.585215606 | \$ 12.64 | \$ 0.93 |
| 00020249 | 000003.55 | 19940809 | 199311 | 1994 | 8 | 9 | 8/9/1994 | 853 | 9.341546886 | 4.03 | 0.48 | 510 | 5.585215606 | \$ 3.83 | \$ 0.28 |
| 00020249 | 000291.33 | 19940713 | 199406 | 1994 | 7 | 13 | 7/13/1994 | 880 | 9.637234771 | 332.31 | 40.98 | 537 | 5.880903491 | \$ 315.69 | \$ 24.36 |
| 00020249 | 000266.78 | 19940609 | 199405 | 1994 | 6 | 9 | 6/9/1994 | 914 | 10.00958248 | 305.86 | 39.08 | 571 | 6.253251198 | \$ 290.56 | \$ 23.78 |
| 00020249 | 000280.00 | 19940517 | 199404 | 1994 | 5 | 17 | 5/17/1994 | 937 | 10.26146475 | 322.12 | 42.12 | 594 | 6.50513347 | \$ 306.01 | \$ 26.01 |
| 00020249 | 000266.78 | 19940414 | 199403 | 1994 | 4 | 14 | 4/14/1994 | 970 | 10.62286105 | 308.43 | 41.65 | 627 | 6.866529774 | \$ 293.01 | \$ 26.23 |
| 00020249 | 000212.41 | 19940310 | 199402 | 1994 | 3 | 10 | 3/10/1994 | 1005 | 11.00616016 | 246.86 | 34.45 | 662 | 7.249828884 | \$ 234.52 | \$ 22.11 |
| 00020249 | 000063.81 | 19940310 | 199311 | 1994 | 3 | 10 | 3/10/1994 | 1005 | 11.00616016 | 74.16 | 10.35 | 662 | 7.249828884 | \$ 70.45 | \$ 6.64 |
| 00020249 | 000280.94 | 19940222 | 199401 | 1994 | 2 | 22 | 2/22/1994 | 1021 | 11.18138261 | 327.29 | 46.35 | 678 | 7.425051335 | \$ 310.92 | \$ 29.98 |
| 00020249 | 000190.75 | 19940114 | 199312 | 1994 | 1 | 14 | 1/14/1994 | 1060 | 11.60848734 | 223.52 | 32.77 | 717 | 7.852156057 | \$ 212.34 | \$ 21.59 |
| 00020249 | 000087.36 | 19940114 | 199311 | 1994 | 1 | 14 | 1/14/1994 | 1060 | 11.60848734 | 102.37 | 15.01 | 717 | 7.852156057 | \$ 97.25 | \$ 9.89 |
| 00020249 | 000148.14 | 19931216 | 199311 | 1993 | 12 | 16 | 12/16/1993 | 1089 | 11.92607803 | 174.34 | 26.20 | 746 | 8.169746749 | \$ 165.63 | \$ 17.49 |
| 00020249 | 000096.72 | 19931216 | 199310 | 1993 | 12 | 16 | 12/16/1993 | 1089 | 11.92607803 | 113.83 | 17.11 | 746 | 8.169746749 | \$ 108.14 | \$ 11.42 |
| 00020249 | 000071.01 | 19931216 | 199309 | 1993 | 12 | 16 | 12/16/1993 | 1089 | 11.92607803 | 83.57 | 12.56 | 746 | 8.169746749 | \$ 79.39 | \$ 8.38 |
| 00020249 | 000280.94 | 19931116 | 199310 | 1993 | 11 | 16 | 11/16/1993 | 1119 | 12.25462012 | 332.12 | 51.18 | 776 | 8.498288843 | \$ 315.51 | \$ 34.57 |
| 00020249 | 000266.78 | 19931020 | 199309 | 1993 | 10 | 20 | 10/20/1993 | 1146 | 12.55030801 | 316.66 | 49.88 | 803 | 8.793976728 | \$ 300.82 | \$ 34.04 |
| 00020249 | 000073.20 | 19931020 | 199308 | 1993 | 10 | 20 | 10/20/1993 | 1146 | 12.55030801 | 86.89 | 13.69 | 803 | 8.793976728 | \$ 82.54 | \$ 9.34 |
| 00020249 | 000084.77 | 19930924 | 199306 | 1993 | 9 | 24 | 9/24/1993 | 1172 | 12.83504449 | 101.01 | 16.24 | 829 | 9.07871321 | \$ 95.96 | \$ 11.19 |
| 00020249 | 000185.40 | 19930924 | 199307 | 1993 | 9 | 24 | 9/24/1993 | 1172 | 12.83504449 | 220.92 | 35.52 | 829 | 9.07871321 | \$ 209.87 | \$ 24.47 |
| 00020249 | 000242.65 | 19930817 | 199306 | 1993 | 8 | 17 | 8/17/1993 | 1210 | 13.25119781 | 290.78 | 48.13 | 867 | 9.49486653 | \$ 276.24 | \$ 33.59 |
| 00020249 | 000009.76 | 19930817 | 199305 | 1993 | 8 | 17 | 8/17/1993 | 1210 | 13.25119781 | 11.70 | 1.94 | 867 | 9.49486653 | \$ 11.11 | \$ 1.35 |
| 00020249 | 000066.56 | 19930716 | 199305 | 1993 | 7 | 16 | 7/16/1993 | 1242 | 13.60164271 | 80.15 | 13.59 | 899 | 9.845311431 | \$ 76.14 | \$ 9.58 |
| 00020249 | 000028.77 | 19930716 | 199304 | 1993 | 7 | 16 | 7/16/1993 | 1242 | 13.60164271 | 34.64 | 5.87 | 899 | 9.845311431 | \$ 32.91 | \$ 4.14 |
| 00020249 | 000115.07 | 19930716 | 199303 | 1993 | 7 | 16 | 7/16/1993 | 1242 | 13.60164271 | 138.56 | 23.49 | 899 | 9.845311431 | \$ 131.63 | \$ 16.56 |
| 00020249 | 000017.75 | 19930716 | 199302 | 1993 | 7 | 16 | 7/16/1993 | 1242 | 13.60164271 | 21.37 | 3.62 | 899 | 9.845311431 | \$ 20.30 | \$ 2.55 |
| 00020249 | 00014.20 | 19930716 | 199212 | 1993 | 7 | 16 | 7/16/1993 | 1242 | 13.60164271 | 17.10 | 2.90 | 899 | 9.845311431 | \$ 16.24 | \$ 2.04 |
| 00020249 | 000020.70 | 19930716 | 199211 | 1993 | 7 | 16 | 7/16/1993 | 1242 | 13.60164271 | 24.93 | 4.23 | 899 | 9.845311431 | \$ 23.68 | \$ 2.98 |
| 00020249 | 000252.41 | 19930610 | 199305 | 1993 | 6 | 10 | 6/10/1993 | 1278 | 13.99589322 | 305.57 | 53.16 | 935 | 10.23956194 | \$ 290.29 | \$ 37.88 |
| 00020249 | 000267.50 | 19930512 | 199304 | 1993 | 5 | 12 | 5/12/1993 | 1307 | 14.31348392 | 325.25 | 57.75 | 964 | 10.55715264 | \$ 308.98 | \$ 41.48 |
| 00020249 | 000270.17 | 19930409 | 199303 | 1993 | 4 | 9 | 4/9/1993 | 1340 | 14.67488022 | 330.12 | 59.95 | 997 | 10.91854894 | \$ 313.61 | \$ 43.44 |
| 00020249 | 000252.99 | 19930318 | 199302 | 1993 | 3 | 18 | 3/18/1993 | 1362 | 14.91581109 | 310.15 | 57.16 | 1019 | 11.15947981 | \$ 294.64 | \$ 41.65 |
| 00020249 | -8.88 | 19930318 | 199301 | 1993 | 3 | 18 | 3/18/1993 | 1362 | 14.91581109 | -10.89 | -2.01 | 1019 | 11.15947981 | \$ (10.34) | \$ (1.46) |
| 00020249 | 000026.06 | 19930318 | 199211 | 1993 | 3 | 18 | 3/18/1993 | 1362 | 14.91581109 | 319.95 | 5.89 | 1019 | 11.15947981 | \$ 30.35 | \$ 4.29 |
| 00020249 | 000252.99 | 19930218 | 199301 | 1993 | 2 | 18 | 2/18/1993 | 1390 | 15.22245038 | 311.45 | 58.46 | 1047 | 11.4661191 | \$ 295.87 | \$ 42.88 |
| 00020249 | 000041.15 | 19930218 | 199211 | 1993 | 2 | 18 | 2/18/1993 | 1390 | 15.22245038 | 50.66 | 9.51 | 1047 | 11.4661191 | \$ 48.13 | \$ 6.98 |
| 00020249 | 000192.87 | 19921200 | 199212 | 1992 | 12 | 0 | 11/30/1992 | 1470 | 16.09856263 | 240.29 | 47.42 | 1127 | 12.34223135 | \$ 228.28 | \$ 35.41 |
| 00020249 | 000063.10 | 19921200 | 199211 | 1992 | 12 | 0 | 11/30/1992 | 1470 | 16.09856263 | 78.62 | 15.52 | 1127 | 12.34223135 | \$ 74.68 | \$ 11.58 |
| 00020249 | 000014.20 | 19921200 | 199210 | 1992 | 12 | 0 | 11/30/1992 | 1470 | 16.09856263 | 17.69 | 3.49 | 1127 | 12.34223135 | \$ 16.81 | \$ 2.61 |
| 00020249 | 000140.31 | 19921100 | 199211 | 1992 | 11 | 0 | 10/31/1992 | 1500 | 16.42710472 | 175.60 | 35.29 | 1157 | 12.67077344 | \$ 166.82 | \$ 26.51 |
| 00020249 | 000057.38 | 19921100 | 199210 | 1992 | 11 | 0 | 10/31/1992 | 1500 | 16.42710472 | 71.81 | 14.43 | 1157 | 12.67077344 | \$ 68.22 | \$ 10.84 |
| 00020249 | 000080.46 | 19921100 | 199209 | 1992 | 11 | 0 | 10/31/1992 | 1500 | 16.42710472 | 100.69 | 20.23 | 1157 | 12.67077344 | \$ 95.66 | \$ 15.20 |
| 00020249 | 000279.04 | 19921000 | 199210 | 1992 | 10 | 0 | 9/30/1992 | 1531 | 16.76659822 | 350.84 | 71.80 | 1188 | 13.0126694 | \$ 333.29 | \$ 54.25 |
| 00020249 | 000036.79 | 19920928 | 199206 | 1992 | 9 | 28 | 9/28/1992 | 1533 | 16.78850103 | 46.27 | 9.48 | 1190 | 13.03216975 | \$ 43.96 | \$ 7.17 |
| 00020249 | 000086.46 | 19920928 | 199205 | 1992 | 9 | 28 | 9/28/1992 | 1533 | 16.78850103 | 108.74 | 22.28 | 1190 | 13.03216975 | \$ 103.30 | \$ 16.84 |
| 00020249 | 000048.26 | 19920928 | 199204 | 1992 | 9 | 28 | 9/28/1992 | 1533 | 16.78850103 | 60.70 | 12.44 | 1190 | 13.03216975 | \$ 57.66 | \$ 9.40 |
| 00020249 | 000040.65 | 19920928 | 199203 | 1992 | 9 | 28 | 9/28/1992 | 1533 | 16.78850103 | 51.12 | 10.47 | 1190 | 13.03216975 | \$ 48.57 | \$ 7.92 |
| 00020249 | 000252.41 | 19920900 | 199209 | 1992 | 9 | 0 | 8/31/1992 | 1561 | 17.09514031 | 318.78 | 66.37 | 1218 | 13.33880903 | \$ 302.84 | \$ 50.43 |
| 00020249 | 000058.53 | 19920900 | 199208 | 1992 | 9 | 0 | 8/31/1992 | 1561 | 17.09514031 | 73.92 | 15.39 | 1218 | 13.33880903 | \$ 70.22 | \$ 11.69 |
| 00020249 | 000012.54 | 19920900 | 199207 | 1992 | 9 | 0 | 8/31/1992 | 1561 | 17.09514031 | 15.84 | 3.30 | 1218 | 13.33880903 | \$ 15.05 | \$ 2.51 |
| 00020249 | 000153.13 | 19920831 | 199201 | 1992 | 8 | 31 | 8/31/1992 | 1561 | 17.09514031 | 193.40 | 40.27 | 1218 | 13.33880903 | \$ 183.73 | \$ 30.60 |
| 00020249 | 000089.66 | 19920831 | 199203 | 1992 | 8 | 31 | 8/31/1992 | 1561 | 17.09514031 | 113.24 | 23.58 | 1218 | 13.33880903 | \$ 107.57 | \$ 17.91 |
| 00020249 | 000095.51 | 19920831 | 199202 | 1992 | 8 | 31 | 8/31/1992 | 1561 | 17.09514031 | 12.01 | 2.50 | 1218 | 13.33880903 | \$ 11.41 | \$ 1.90 |
| 00020249 | 000086.74 | 19920600 | 199201 | 1992 | 6 | 0 | 5/31/1992 | 1653 | 18.1026694 | 111.07 | 24.33 | 1310 | 14.34633812 | \$ 105.51 | \$ 18.77 |
| 00020249 | 000125.42 | 19920600 | 199206 | 1992 | 6 | 0 | 5/31/1992 | 1653 | 18.1026694 | 160.59 | 35.17 | 1310 | 14.34633812 | \$ 152.56 | \$ 27.14 |
| 00020249 | 000214.67 | 19920500 | 199205 | 1992 | 5 | 0 | 4/30/1992 | 1684 | 18.4421629 | 276.15 | 61.48 | 1341 | 14.6853162 | \$ 262.34 | \$ 47.67 |
| 00020249 | 000227.21 | 19920400 | 199204 | 1992 | 4 | 0 | 3/31/1992 | 1714 | 18.77070705 | 293.60 | 66.39 | 1371 | 15.01437372 | \$ 278.92 | \$ 51.71 |
| 00020249 | 000221.67 | 19920300 | 199203 | 1992 | 3 | 0 | 2/29/1992 | 1745 | 19.11019849 | 287.77 | 66.10 | 1402 | 15.3538721 | \$ 273.38 | \$ 51.71 |
| 00020249 | 000225.76 | 19920200 | 199202 | 1992 | 2 | 0 | 1/31/1992 | 1774 | 19.42778919 | 294.35 | 68.59 | 1431 | 15.67145791 | | |

| | | | | | | | | | | | | | | | |
|----------|-----------|----------|--------|------|----|---|------------|------|-------------|--------|--------|------|----------------|------------|---------|
| 00020249 | 000009.27 | 19910800 | 199011 | 1991 | 8 | 0 | 7/31/1991 | 1958 | 21.44284736 | 12.42 | 3.15 | 1615 | 17.68651608 \$ | 11.80 \$ | 2.53 |
| 00020249 | 000021.80 | 19910800 | 199010 | 1991 | 8 | 0 | 7/31/1991 | 1958 | 21.44284736 | 29.22 | 7.42 | 1615 | 17.68651608 \$ | 27.76 \$ | 5.96 |
| 00020249 | 000020.19 | 19910800 | 199009 | 1991 | 8 | 0 | 7/31/1991 | 1958 | 21.44284736 | 27.06 | 6.87 | 1615 | 17.68651608 \$ | 25.71 \$ | 5.52 |
| 00020249 | 000034.45 | 19910700 | 199102 | 1991 | 7 | 0 | 6/30/1991 | 1989 | 21.78234086 | 46.38 | 11.93 | 1646 | 18.02600958 \$ | 44.07 \$ | 9.62 |
| 00020249 | 000025.24 | 19910700 | 199101 | 1991 | 7 | 0 | 6/30/1991 | 1989 | 21.78234086 | 33.98 | 8.74 | 1646 | 18.02600958 \$ | 32.28 \$ | 7.04 |
| 00020249 | 000012.03 | 19910700 | 199012 | 1991 | 7 | 0 | 6/30/1991 | 1989 | 21.78234086 | 16.20 | 4.17 | 1646 | 18.02600958 \$ | 15.39 \$ | 3.36 |
| 00020249 | 000062.28 | 19910700 | 199011 | 1991 | 7 | 0 | 6/30/1991 | 1989 | 21.78234086 | 83.86 | 21.58 | 1646 | 18.02600958 \$ | 79.66 \$ | 17.38 |
| 00020249 | 000095.37 | 19910700 | 199010 | 1991 | 7 | 0 | 6/30/1991 | 1989 | 21.78234086 | 128.41 | 33.04 | 1646 | 18.02600958 \$ | 121.99 \$ | 26.62 |
| 00020249 | 000215.67 | 19910600 | 199106 | 1991 | 6 | 0 | 5/31/1991 | 2019 | 22.11088296 | 291.69 | 76.02 | 1676 | 18.3545168 \$ | 277.11 \$ | 61.44 |
| 00020249 | 000230.20 | 19910500 | 199105 | 1991 | 5 | 0 | 4/30/1991 | 2050 | 22.45037645 | 312.79 | 82.59 | 1707 | 18.69404517 \$ | 297.15 \$ | 66.95 |
| 00020249 | 000219.14 | 19910400 | 199104 | 1991 | 4 | 0 | 3/31/1991 | 2080 | 22.77891855 | 299.10 | 79.96 | 1737 | 19.02258727 \$ | 284.15 \$ | 65.01 |
| 00020249 | 000224.83 | 19910300 | 199103 | 1991 | 3 | 0 | 2/28/1991 | 2111 | 23.11841205 | 308.30 | 83.47 | 1768 | 19.36208077 \$ | 292.88 \$ | 68.05 |
| 00020249 | 000241.04 | 19910200 | 199102 | 1991 | 2 | 0 | 1/31/1991 | 2139 | 23.42505133 | 331.91 | 90.87 | 1796 | 19.66872005 \$ | 315.31 \$ | 74.27 |
| 00020249 | 000238.05 | 19910100 | 199101 | 1991 | 1 | 0 | 12/31/1990 | 2170 | 23.76454483 | 329.32 | 91.27 | 1827 | 20.00821355 \$ | 312.85 \$ | 74.80 |
| 00020249 | 000000.14 | 19910100 | 199010 | 1991 | 1 | 0 | 12/31/1990 | 2170 | 23.76454483 | 0.19 | 0.05 | 1827 | 20.00821355 \$ | 0.18 \$ | 0.04 |
| 00020249 | 00187.94 | 19901200 | 199012 | 1990 | 12 | 0 | 11/30/1990 | 2201 | 24.10403833 | 261.20 | 73.26 | 1858 | 20.34770705 \$ | 248.14 \$ | 60.20 |
| 00020249 | 000000.50 | 19901200 | 199010 | 1990 | 12 | 0 | 11/30/1990 | 2201 | 24.10403833 | 0.69 | 0.19 | 1858 | 20.34770705 \$ | 0.66 \$ | 0.16 |
| 00020249 | 000037.55 | 19901200 | 199009 | 1990 | 12 | 0 | 11/30/1990 | 2201 | 24.10403833 | 52.19 | 14.64 | 1858 | 20.34770705 \$ | 49.58 \$ | 12.03 |
| 00020249 | 000010.69 | 19900800 | 199008 | 1990 | 12 | 0 | 11/30/1990 | 2201 | 24.10403833 | 14.86 | 4.17 | 1858 | 20.34770705 \$ | 14.11 \$ | 3.42 |
| 00020249 | 000230.66 | 19901100 | 199011 | 1990 | 11 | 0 | 10/31/1990 | 2231 | 24.43258042 | 322.02 | 91.36 | 1888 | 20.67624914 \$ | 305.91 \$ | 75.25 |
| 00020249 | 000215.80 | 19901100 | 199010 | 1990 | 10 | 0 | 9/30/1990 | 2262 | 24.77207392 | 302.67 | 86.87 | 1919 | 21.01574264 \$ | 287.54 \$ | 71.74 |
| 00020249 | 000215.80 | 19900900 | 199009 | 1990 | 9 | 0 | 8/31/1990 | 2292 | 25.10061602 | 304.03 | 88.23 | 1949 | 21.34248474 \$ | 288.83 \$ | 73.03 |
| 00020249 | 000213.38 | 19900800 | 199007 | 1990 | 8 | 0 | 7/31/1990 | 2323 | 25.44010951 | 30.26 | 8.88 | 1980 | 21.68377823 \$ | 28.75 \$ | 7.37 |
| 00020249 | -46.86 | 19900800 | 199006 | 1990 | 8 | 0 | 7/31/1990 | 2323 | 25.44010951 | -66.33 | -19.47 | 1980 | 21.68377823 \$ | (63.01) \$ | (16.15) |
| 00020249 | 000106.01 | 19900800 | 199005 | 1990 | 8 | 0 | 7/31/1990 | 2323 | 25.44010951 | 150.05 | 44.04 | 1980 | 21.68377823 \$ | 142.54 \$ | 36.53 |
| 00020249 | 000037.50 | 19900800 | 199004 | 1990 | 8 | 0 | 7/31/1990 | 2323 | 25.44010951 | 53.08 | 15.58 | 1980 | 21.68377823 \$ | 50.42 \$ | 12.92 |
| 00020249 | 000094.52 | 19900800 | 199003 | 1990 | 8 | 0 | 7/31/1990 | 2323 | 25.44010951 | 133.78 | 39.26 | 1980 | 21.68377823 \$ | 127.09 \$ | 32.57 |
| 00020249 | -0.35 | 19900800 | 199002 | 1990 | 8 | 0 | 7/31/1990 | 2323 | 25.44010951 | -0.50 | -0.15 | 1980 | 21.68377823 \$ | (0.47) \$ | (0.12) |
| 00020249 | 000007.01 | 19900700 | 198909 | 1990 | 7 | 0 | 6/30/1990 | 2354 | 25.77960301 | 9.97 | 2.96 | 2011 | 22.0327173 \$ | 9.47 \$ | 2.46 |
| 00020249 | 000113.19 | 19900700 | 199002 | 1990 | 7 | 0 | 6/30/1990 | 2354 | 25.77960301 | 18.76 | 5.57 | 2011 | 22.0327173 \$ | 17.82 \$ | 4.63 |
| 00020249 | 000039.66 | 19900700 | 199001 | 1990 | 7 | 0 | 6/30/1990 | 2354 | 25.77960301 | 56.40 | 16.74 | 2011 | 22.0327173 \$ | 53.58 \$ | 13.92 |
| 00020249 | 000133.32 | 19900700 | 198912 | 1990 | 7 | 0 | 6/30/1990 | 2354 | 25.77960301 | 18.94 | 5.62 | 2011 | 22.0327173 \$ | 17.99 \$ | 4.67 |
| 00020249 | 000035.26 | 19900700 | 198911 | 1990 | 7 | 0 | 6/30/1990 | 2354 | 25.77960301 | 50.14 | 14.88 | 2011 | 22.0327173 \$ | 47.63 \$ | 12.37 |
| 00020249 | 000075.96 | 19900700 | 198910 | 1990 | 7 | 0 | 6/30/1990 | 2354 | 25.77960301 | 108.01 | 32.05 | 2011 | 22.0327173 \$ | 102.61 \$ | 26.65 |
| 00020249 | 00183.65 | 19900600 | 199006 | 1990 | 6 | 0 | 5/31/1990 | 2384 | 26.10814511 | 262.32 | 78.67 | 2041 | 22.35181383 \$ | 249.20 \$ | 65.55 |
| 00020249 | 000185.74 | 19900500 | 199005 | 1990 | 5 | 0 | 4/30/1990 | 2415 | 26.4476386 | 266.54 | 80.80 | 2072 | 22.69130732 \$ | 253.21 \$ | 67.47 |
| 00020249 | 00192.87 | 19900400 | 199004 | 1990 | 4 | 0 | 3/31/1990 | 2445 | 26.7761807 | 278.02 | 85.15 | 2102 | 23.01984942 \$ | 264.11 \$ | 71.24 |
| 00020249 | 00201.42 | 19900300 | 199003 | 1990 | 3 | 0 | 2/28/1990 | 2476 | 27.1156742 | 291.69 | 90.27 | 2133 | 23.35934292 \$ | 277.10 \$ | 75.68 |
| 00020249 | 00207.49 | 19900200 | 199002 | 1990 | 2 | 0 | 1/31/1990 | 2504 | 27.42231348 | 301.74 | 94.25 | 2161 | 23.65659822 \$ | 286.65 \$ | 79.16 |
| 00020249 | 00196.30 | 19900100 | 199001 | 1990 | 1 | 0 | 12/31/1989 | 2535 | 27.76180698 | 286.80 | 90.50 | 2192 | 24.0054757 \$ | 272.45 \$ | 76.15 |
| 00020249 | 000143.05 | 19891200 | 198912 | 1989 | 12 | 0 | 11/30/1989 | 2566 | 28.10130048 | 209.97 | 66.92 | 2223 | 24.3449692 \$ | 199.47 \$ | 56.42 |
| 00020249 | 000093.93 | 19891200 | 198909 | 1989 | 12 | 0 | 11/30/1989 | 2566 | 28.10130048 | 58.61 | 18.68 | 2223 | 24.3449692 \$ | 55.68 \$ | 15.75 |
| 00020249 | 00193.31 | 19891100 | 198911 | 1989 | 11 | 0 | 10/31/1989 | 2596 | 28.42984257 | 285.02 | 91.71 | 2253 | 24.67351129 \$ | 270.76 \$ | 77.45 |
| 00020249 | 00184.32 | 19891000 | 198910 | 1989 | 10 | 0 | 9/30/1989 | 2627 | 28.76933607 | 273.02 | 88.70 | 2284 | 25.01300479 \$ | 259.37 \$ | 75.05 |
| 00020249 | 00193.66 | 19890900 | 198909 | 1989 | 9 | 0 | 8/31/1989 | 2657 | 29.09787817 | 288.15 | 94.49 | 2314 | 25.34154689 \$ | 273.74 \$ | 80.08 |
| 00020249 | -9.58 | 19890810 | 198908 | 1989 | 8 | 0 | 7/31/1989 | 2688 | 29.43737166 | -14.32 | -4.74 | 2345 | 25.68104038 \$ | (13.60) \$ | (4.02) |
| 00020249 | 000093.99 | 19890800 | 198905 | 1989 | 8 | 0 | 7/31/1989 | 2688 | 29.43737166 | 140.50 | 46.51 | 2345 | 25.68104038 \$ | 133.47 \$ | 39.48 |
| 00020249 | 000209.77 | 19890800 | 198904 | 1989 | 8 | 0 | 7/31/1989 | 2688 | 29.43737166 | 44.50 | 14.73 | 2345 | 25.68104038 \$ | 42.28 \$ | 12.51 |
| 00020249 | 000048.24 | 19890800 | 198903 | 1989 | 8 | 0 | 7/31/1989 | 2688 | 29.43737166 | 72.11 | 23.87 | 2345 | 25.68104038 \$ | 68.50 \$ | 20.26 |
| 00020249 | -14.18 | 19890800 | 198902 | 1989 | 8 | 0 | 7/31/1989 | 2688 | 29.43737166 | -21.20 | -7.02 | 2345 | 25.68104038 \$ | (20.14) \$ | (5.96) |
| 00020249 | 000009.58 | 19890800 | 198811 | 1989 | 8 | 0 | 7/31/1989 | 2688 | 29.43737166 | 14.32 | 4.74 | 2345 | 25.68104038 \$ | 13.60 \$ | 4.02 |
| 00020249 | 000008.83 | 19890700 | 198811 | 1989 | 7 | 0 | 6/30/1989 | 2719 | 29.77686516 | 13.26 | 4.43 | 2376 | 26.02053388 \$ | 12.60 \$ | 3.77 |
| 00020249 | 000029.26 | 19890700 | 198810 | 1989 | 7 | 0 | 6/30/1989 | 2719 | 29.77686516 | 43.94 | 14.68 | 2376 | 26.02053388 \$ | 41.74 \$ | 12.48 |
| 00020249 | 000010.55 | 19890700 | 198809 | 1989 | 7 | 0 | 6/30/1989 | 2719 | 29.77686516 | 15.84 | 5.29 | 2376 | 26.02053388 \$ | 15.05 \$ | 4.50 |
| 00020249 | 000034.90 | 19890700 | 198903 | 1989 | 7 | 0 | 6/30/1989 | 2719 | 29.77686516 | 52.41 | 17.51 | 2376 | 26.02053388 \$ | 49.79 \$ | 14.89 |
| 00020249 | 000016.27 | 19890700 | 198902 | 1989 | 7 | 0 | 6/30/1989 | 2719 | 29.77686516 | 24.43 | 8.16 | 2376 | 26.02053388 \$ | 23.21 \$ | 6.94 |
| 00020249 | 000048.15 | 19890700 | 198901 | 1989 | 7 | 0 | 6/30/1989 | 2719 | 29.77686516 | 72.31 | 24.16 | 2376 | 26.02053388 \$ | 68.69 \$ | 20.54 |
| 00020249 | 000009.86 | 19890700 | 198812 | 1989 | 7 | 0 | 6/30/1989 | 2719 | 30.10540726 | 0.36 | 0.12 | 2406 | 26.34907598 \$ | 0.34 \$ | 0.10 |
| 00020249 | 000004.37 | 19890600 | 198808 | 1989 | 6 | 0 | 5/31/1989 | 2749 | 30.10540726 | 6.59 | 2.22 | 2406 | 26.34907598 \$ | 6.26 \$ | 1.89 |
| 00020249 | 000154.26 | 19890600 | 198806 | 1989 | 6 | 0 | 5/31/1989 | 2749 | 30.10540726 | 232.70 | 78.44 | 2406 | 26.34907598 \$ | 221.07 \$ | 66.81 |
| 00020249 | 0 | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | |
|----------|-----------|----------|--------|------|----|----|------------|------|-------------|--------|--------|------|-------------|------------|------------|
| 00020249 | 000009.73 | 19880700 | 198712 | 1988 | 7 | 0 | 6/30/1988 | 3084 | 33.77412731 | 15.43 | 5.70 | 2741 | 30.01779603 | \$ 14.66 | \$ 4.93 |
| 00020249 | 000015.37 | 19880700 | 198711 | 1988 | 7 | 0 | 6/30/1988 | 3084 | 33.77412731 | 24.38 | 9.01 | 2741 | 30.01779603 | \$ 23.16 | \$ 7.79 |
| 00020249 | 000087.31 | 19880600 | 198806 | 1988 | 6 | 0 | 5/31/1988 | 3114 | 34.1026694 | 139.10 | 51.79 | 2771 | 30.34633812 | \$ 132.14 | \$ 44.83 |
| 00020249 | 000030.58 | 19880600 | 198711 | 1988 | 6 | 0 | 5/31/1988 | 3114 | 34.1026694 | 48.72 | 18.14 | 2771 | 30.34633812 | \$ 46.28 | \$ 15.70 |
| 00020249 | 000038.27 | 19880600 | 198710 | 1988 | 6 | 0 | 5/31/1988 | 3114 | 34.1026694 | 60.97 | 22.70 | 2771 | 30.34633812 | \$ 57.92 | \$ 19.65 |
| 00020249 | 000006.10 | 19880600 | 198709 | 1988 | 6 | 0 | 5/31/1988 | 3114 | 34.1026694 | 9.72 | 3.62 | 2771 | 30.34633812 | \$ 9.23 | \$ 3.13 |
| 00020249 | 000160.72 | 19880500 | 198805 | 1988 | 5 | 0 | 4/30/1988 | 3145 | 34.4421629 | 257.24 | 96.52 | 2802 | 30.68581362 | \$ 244.38 | \$ 83.66 |
| 00020249 | 00168.58 | 19880400 | 198804 | 1988 | 4 | 0 | 3/31/1988 | 3175 | 34.770705 | 271.04 | 102.46 | 2832 | 31.01437372 | \$ 257.48 | \$ 88.90 |
| 00020249 | 000194.08 | 19880300 | 198803 | 1988 | 3 | 0 | 2/29/1988 | 3206 | 35.11019849 | 313.48 | 119.40 | 2863 | 31.35386721 | \$ 297.81 | \$ 103.73 |
| 00020249 | 00208.77 | 19880200 | 198802 | 1988 | 2 | 0 | 1/31/1988 | 3235 | 35.42778891 | 338.68 | 129.91 | 2892 | 31.67145791 | \$ 321.74 | \$ 112.97 |
| 00020249 | 000011.97 | 19880200 | 198709 | 1988 | 2 | 0 | 1/31/1988 | 3235 | 35.42778891 | 19.42 | 7.45 | 2892 | 31.67145791 | \$ 18.45 | \$ 6.48 |
| 00020249 | 000111.50 | 19880200 | 198708 | 1988 | 2 | 0 | 1/31/1988 | 3235 | 35.42778891 | 18.66 | 7.16 | 2892 | 31.67145791 | \$ 17.72 | \$ 6.22 |
| 00020249 | 000148.42 | 19880100 | 198801 | 1988 | 1 | 0 | 12/31/1987 | 3266 | 35.76726268 | 241.89 | 93.47 | 2923 | 32.0109514 | \$ 229.80 | \$ 81.38 |
| 00020249 | 000146.31 | 19871200 | 198712 | 1987 | 12 | 0 | 11/30/1987 | 3297 | 36.10677618 | 239.56 | 93.25 | 2954 | 32.3504449 | \$ 227.58 | \$ 81.27 |
| 00020249 | 00146.31 | 19871100 | 198711 | 1987 | 11 | 0 | 10/31/1987 | 3327 | 36.43531828 | 240.64 | 94.33 | 2984 | 32.678987 | \$ 228.61 | \$ 82.30 |
| 00020249 | 00154.23 | 19871000 | 198710 | 1987 | 10 | 0 | 9/30/1987 | 3358 | 36.77481177 | 254.84 | 100.61 | 3015 | 33.01848049 | \$ 242.10 | \$ 87.87 |
| 00020249 | 00166.70 | 19870900 | 198709 | 1987 | 9 | 0 | 8/31/1987 | 3388 | 37.10335387 | 276.69 | 109.99 | 3045 | 33.34702259 | \$ 262.85 | \$ 96.15 |
| 00020249 | 00049.52 | 19870800 | 198705 | 1987 | 8 | 0 | 7/31/1987 | 3419 | 37.44284736 | 82.58 | 33.06 | 3076 | 33.68651608 | \$ 78.45 | \$ 28.93 |
| 00020249 | 000050.56 | 19870800 | 198704 | 1987 | 8 | 0 | 7/31/1987 | 3419 | 37.44284736 | 84.31 | 33.75 | 3076 | 33.68651608 | \$ 80.09 | \$ 29.53 |
| 00020249 | 000041.47 | 19870800 | 198703 | 1987 | 8 | 0 | 7/31/1987 | 3419 | 37.44284736 | 69.15 | 27.68 | 3076 | 33.68651608 | \$ 65.69 | \$ 24.22 |
| 00020249 | 000050.81 | 19870800 | 198612 | 1987 | 7 | 0 | 6/30/1987 | 3450 | 37.78234086 | 85.12 | 34.31 | 3107 | 34.02600958 | \$ 80.86 | \$ 30.05 |
| 00020249 | 000002.01 | 19870700 | 198611 | 1987 | 7 | 0 | 6/30/1987 | 3450 | 37.78234086 | 3.37 | 1.36 | 3107 | 34.02600958 | \$ 3.20 | \$ 1.19 |
| 00020249 | 00019.18 | 19870700 | 198703 | 1987 | 7 | 0 | 6/30/1987 | 3450 | 37.78234086 | 32.13 | 12.95 | 3107 | 34.02600958 | \$ 30.52 | \$ 11.34 |
| 00020249 | 00043.68 | 19870700 | 198702 | 1987 | 7 | 0 | 6/30/1987 | 3450 | 37.78234086 | 73.18 | 29.50 | 3107 | 34.02600958 | \$ 69.52 | \$ 25.84 |
| 00020249 | 00031.14 | 19870700 | 198701 | 1987 | 7 | 0 | 6/30/1987 | 3450 | 37.78234086 | 52.17 | 21.03 | 3107 | 34.02600958 | \$ 49.56 | \$ 18.42 |
| 00020249 | 00049.52 | 19870800 | 198611 | 1987 | 6 | 0 | 5/31/1987 | 3480 | 38.11082926 | 83.33 | 33.81 | 3137 | 34.35455168 | \$ 79.16 | \$ 29.64 |
| 00020249 | 00019.46 | 19870600 | 198610 | 1987 | 6 | 0 | 5/31/1987 | 3480 | 38.11082926 | 32.75 | 13.29 | 3137 | 34.35455168 | \$ 31.11 | \$ 11.65 |
| 00020249 | 00073.34 | 19870600 | 198706 | 1987 | 6 | 0 | 5/31/1987 | 3480 | 38.11082926 | 123.42 | 50.08 | 3137 | 34.35455168 | \$ 117.24 | \$ 43.90 |
| 00020249 | 00143.98 | 19870505 | 198612 | 1987 | 5 | 5 | 5/5/1987 | 3506 | 38.39561944 | 243.23 | 99.25 | 3163 | 34.63928816 | \$ 231.07 | \$ 87.09 |
| 00020249 | 00145.42 | 19870500 | 198705 | 1987 | 5 | 0 | 4/30/1987 | 3511 | 38.45037645 | 245.85 | 100.43 | 3168 | 34.69404517 | \$ 233.56 | \$ 88.14 |
| 00020249 | 00135.90 | 19870423 | 198611 | 1987 | 4 | 23 | 4/23/1987 | 3518 | 38.52703628 | 229.99 | 94.09 | 3175 | 37.770705 | \$ 218.49 | \$ 82.59 |
| 00020249 | 00024.29 | 19870400 | 198610 | 1987 | 4 | 0 | 3/31/1987 | 3541 | 38.77891855 | 41.25 | 16.96 | 3198 | 35.0258727 | \$ 39.19 | \$ 14.90 |
| 00020249 | -24.29 | 19870400 | 198609 | 1987 | 4 | 0 | 3/31/1987 | 3541 | 38.77891855 | -41.25 | -16.96 | 3198 | 35.0258727 | \$ (39.19) | \$ (14.90) |
| 00020249 | 00142.84 | 19870400 | 198704 | 1987 | 4 | 0 | 3/31/1987 | 3541 | 38.77891855 | 242.57 | 99.73 | 3198 | 35.0258727 | \$ 230.44 | \$ 87.60 |
| 00020249 | 00134.56 | 19870318 | 198610 | 1987 | 3 | 18 | 3/18/1987 | 3554 | 38.92128679 | 228.96 | 94.40 | 3211 | 35.16495551 | \$ 217.51 | \$ 82.95 |
| 00020249 | 00161.68 | 19870308 | 198703 | 1987 | 3 | 0 | 2/28/1987 | 3572 | 39.11841205 | 275.84 | 114.16 | 3229 | 35.36208077 | \$ 262.05 | \$ 100.37 |
| 00020249 | 00134.56 | 19870219 | 198609 | 1987 | 2 | 19 | 2/19/1987 | 3581 | 39.21697467 | 229.88 | 95.32 | 3238 | 35.46064339 | \$ 218.39 | \$ 83.83 |
| 00020249 | 00141.55 | 19870200 | 198702 | 1987 | 2 | 0 | 1/31/1987 | 3600 | 39.42505133 | 242.51 | 100.96 | 3257 | 35.66872005 | \$ 230.39 | \$ 88.84 |
| 00020249 | 000131.63 | 19870100 | 198610 | 1987 | 1 | 0 | 12/31/1986 | 3631 | 39.76454483 | 23.46 | 9.83 | 3268 | 36.00821355 | \$ 22.29 | \$ 8.66 |
| 00020249 | 00020.01 | 19870100 | 198609 | 1987 | 1 | 0 | 12/31/1986 | 3631 | 39.76454483 | 34.44 | 14.43 | 3288 | 36.00821355 | \$ 32.72 | \$ 12.71 |
| 00020249 | 00136.60 | 19870100 | 198701 | 1987 | 1 | 0 | 12/31/1986 | 3631 | 39.76454483 | 235.12 | 98.52 | 3288 | 36.00821355 | \$ 223.36 | \$ 86.76 |
| 00020249 | 00131.51 | 19861024 | 198608 | 1986 | 10 | 24 | 10/24/1986 | 3699 | 40.50924025 | 228.67 | 97.16 | 3356 | 36.75920987 | \$ 217.24 | \$ 85.73 |
| 00020249 | 00135.77 | 19860911 | 198607 | 1986 | 9 | 11 | 9/11/1986 | 3742 | 40.98015058 | 237.60 | 101.83 | 3399 | 37.2238193 | \$ 225.72 | \$ 89.95 |
| 00020249 | 00132.16 | 19860805 | 198606 | 1986 | 8 | 8 | 8/8/1986 | 3779 | 41.3853255 | 232.57 | 100.41 | 3436 | 37.62902122 | \$ 220.94 | \$ 88.78 |
| 00020249 | 00142.57 | 19860710 | 198605 | 1986 | 7 | 10 | 7/10/1986 | 3805 | 41.67008898 | 251.87 | 109.30 | 3462 | 37.9137577 | \$ 239.27 | \$ 96.70 |
| 00020249 | 00131.51 | 19860612 | 198604 | 1986 | 6 | 12 | 6/12/1986 | 3833 | 41.97672827 | 233.30 | 101.79 | 3490 | 38.22039699 | \$ 221.64 | \$ 90.13 |
| 00020249 | 00136.92 | 19860519 | 198603 | 1986 | 5 | 19 | 5/19/1986 | 3857 | 42.23956194 | 243.77 | 106.85 | 3514 | 38.48323066 | \$ 231.58 | \$ 94.66 |
| 00020249 | 00130.93 | 19860429 | 198602 | 1986 | 4 | 29 | 4/29/1986 | 3877 | 42.45859001 | 233.81 | 102.88 | 3534 | 38.70225873 | \$ 222.11 | \$ 91.18 |
| 00020249 | 00130.93 | 19860408 | 198601 | 1986 | 4 | 8 | 4/8/1986 | 3898 | 42.68685694 | 234.54 | 103.61 | 3555 | 38.93223819 | \$ 222.81 | \$ 91.88 |
| 00020249 | 00173.03 | 19860314 | 198512 | 1986 | 3 | 14 | 3/14/1986 | 3923 | 42.96235455 | 311.12 | 138.09 | 3580 | 39.20602327 | \$ 295.56 | \$ 122.53 |
| 00020249 | 00122.64 | 19860220 | 198511 | 1986 | 2 | 20 | 2/20/1986 | 3945 | 43.20328542 | 221.24 | 98.60 | 3602 | 39.44695414 | \$ 210.18 | \$ 87.54 |
| 00020249 | 00136.86 | 19860110 | 198510 | 1986 | 1 | 10 | 1/10/1986 | 3986 | 43.65229295 | 248.41 | 111.55 | 3643 | 39.8959167 | \$ 235.99 | \$ 99.13 |
| 00020249 | 00110.30 | 1985127 | 198509 | 1985 | 11 | 27 | 11/27/1985 | 4030 | 44.13415469 | 201.53 | 91.23 | 3687 | 40.37782341 | \$ 191.45 | \$ 81.15 |
| 00020249 | 00108.32 | 19851028 | 198508 | 1985 | 10 | 28 | 10/28/1985 | 4060 | 44.46269678 | 198.80 | 90.48 | 3717 | 40.7063655 | \$ 188.86 | \$ 80.54 |
| 00020249 | 00108.32 | 19850918 | 198507 | 1985 | 9 | 18 | 9/18/1985 | 4100 | 44.90075291 | 199.99 | 91.67 | 3757 | 41.14422163 | \$ 189.99 | \$ 81.67 |
| 00020249 | 00116.02 | 19850823 | 198506 | 1985 | 8 | 23 | 8/23/1985 | 4126 | 45.18548939 | 215.04 | 99.02 | 3783 | 41.42915811 | \$ 204.29 | \$ 88.27 |
| 00020249 | 00111.40 | 19850731 | 198505 | 1985 | 7 | 31 | 7/31/1985 | 4149 | 45.43737166 | 207.19 | 95.79 | 3806 | 41.68104038 | \$ 196.83 | \$ 85.43 |
| 00020249 | 00113.03 | 19850626 | 198504 | 1985 | 6 | 26 | 6/26/1985 | 4184 | 45.82067077 | 211.32 | 98.29 | 3841 | 42.06433949 | \$ 200.76 | \$ 87.73 |
| 00020249 | 00115.46 | 19850604 | 198503 | 1985 | 6 | 4 | 6/4/1985 | 4206 | 46.0160164 | 216.58 | 101.12 | 3863 | 42.30527036 | \$ 205.75 | \$ 90.29 |
| 00020249 | 00109.59 | 19850509 | 198502 | 1985 | 5 | 9 | 5/9/1985 | 4232 | 46.34633812 | 206.37 | 96.78 | 3889 | | | |

| | | | | | | | | | | | | | | | | | |
|----------|-----------|----------|--------|------|----|----|------------|------|-------------|--------|--------|------|-------------|----|--------|----|--------|
| 00020249 | 000098.03 | 19830706 | 198305 | 1983 | 7 | 6 | 7/6/1983 | 4905 | 53.71663244 | 204.15 | 106.12 | 4562 | 49.96030116 | \$ | 193.94 | \$ | 95.91 |
| 00020249 | 000096.23 | 19830524 | 198304 | 1983 | 5 | 24 | 5/24/1983 | 4948 | 54.18754278 | 201.69 | 105.46 | 4605 | 50.4312115 | \$ | 191.61 | \$ | 95.38 |
| 00020249 | 000095.55 | 19830428 | 198303 | 1983 | 4 | 28 | 4/28/1983 | 4974 | 54.47227926 | 201.05 | 105.50 | 4631 | 50.71594798 | \$ | 190.99 | \$ | 95.44 |
| 00020249 | 000095.55 | 19830405 | 198302 | 1983 | 4 | 5 | 4/5/1983 | 4997 | 54.72416153 | 201.74 | 106.19 | 4654 | 50.96783025 | \$ | 191.65 | \$ | 96.10 |
| 00020249 | 000095.55 | 19830308 | 198301 | 1983 | 3 | 8 | 3/8/1983 | 5025 | 55.03080082 | 202.59 | 107.04 | 4682 | 51.27446954 | \$ | 192.46 | \$ | 96.91 |
| 00020249 | 000102.38 | 19830208 | 198212 | 1983 | 2 | 8 | 2/8/1983 | 5053 | 55.33744011 | 217.98 | 115.60 | 4710 | 51.58110883 | \$ | 207.08 | \$ | 104.70 |
| 00020249 | 000099.64 | 19830124 | 198211 | 1983 | 1 | 24 | 1/24/1983 | 5068 | 55.50171116 | 212.62 | 112.98 | 4725 | 51.74537988 | \$ | 201.99 | \$ | 102.35 |
| 00020249 | 000103.51 | 19830110 | 198210 | 1983 | 1 | 10 | 1/10/1983 | 5082 | 55.65509308 | 221.34 | 117.83 | 4739 | 51.89866992 | \$ | 210.27 | \$ | 106.76 |
| 00020249 | 000087.85 | 19821208 | 198209 | 1982 | 12 | 8 | 12/8/1982 | 5115 | 56.0164271 | 188.79 | 100.94 | 4772 | 52.26009582 | \$ | 179.35 | \$ | 91.50 |
| 00020249 | 000085.51 | 19821027 | 198208 | 1982 | 10 | 27 | 10/27/1982 | 5157 | 56.47638604 | 184.91 | 99.40 | 4814 | 52.72005476 | \$ | 175.67 | \$ | 90.16 |
| 00020249 | 000085.51 | 19820916 | 198207 | 1982 | 9 | 16 | 9/16/1982 | 5198 | 56.92538357 | 186.05 | 100.54 | 4855 | 53.16906229 | \$ | 176.75 | \$ | 91.24 |
| 00020249 | 000086.87 | 19820813 | 198206 | 1982 | 8 | 13 | 8/13/1982 | 5232 | 57.29774127 | 189.97 | 103.10 | 4889 | 53.54140999 | \$ | 180.47 | \$ | 93.60 |
| 00020249 | 000086.75 | 19820713 | 198205 | 1982 | 7 | 13 | 7/13/1982 | 5263 | 57.63723477 | 190.59 | 103.84 | 4920 | 53.88090349 | \$ | 181.06 | \$ | 94.31 |
| 00020249 | 000085.51 | 19820604 | 198204 | 1982 | 6 | 4 | 6/4/1982 | 5302 | 58.06433949 | 188.97 | 103.46 | 4959 | 54.30800821 | \$ | 179.52 | \$ | 94.01 |
| 00020249 | 000087.56 | 19820430 | 198203 | 1982 | 4 | 30 | 4/30/1982 | 5337 | 58.4476386 | 194.51 | 106.95 | 4994 | 54.69130732 | \$ | 184.79 | \$ | 97.23 |
| 00020249 | 000085.26 | 19820405 | 198202 | 1982 | 4 | 5 | 4/5/1982 | 5362 | 58.72142368 | 190.11 | 104.85 | 5019 | 54.9650924 | \$ | 180.61 | \$ | 95.35 |
| 00020249 | 000085.26 | 19820226 | 198201 | 1982 | 2 | 26 | 2/26/1982 | 5400 | 59.137577 | 191.20 | 105.94 | 5057 | 55.38124572 | \$ | 181.64 | \$ | 96.38 |
| 00020249 | 000085.26 | 19820204 | 198112 | 1982 | 2 | 4 | 2/4/1982 | 5422 | 59.37850787 | 191.83 | 106.57 | 5079 | 55.62217659 | \$ | 182.24 | \$ | 96.98 |
| 00020249 | 000094.28 | 19820121 | 198111 | 1982 | 1 | 21 | 1/21/1982 | 5436 | 59.53182752 | 212.57 | 118.29 | 5093 | 55.77549624 | \$ | 201.94 | \$ | 107.66 |
| 00020249 | 000077.38 | 19820105 | 198110 | 1982 | 1 | 5 | 1/5/1982 | 5452 | 59.70704997 | 174.88 | 97.50 | 5109 | 55.95071869 | \$ | 166.14 | \$ | 88.76 |
| 00020249 | 000056.40 | 19811204 | 198109 | 1981 | 12 | 4 | 12/4/1981 | 5484 | 60.05749487 | 128.08 | 71.68 | 5141 | 56.30116359 | \$ | 121.67 | \$ | 65.27 |

| | |
|---------------------|-------------|
| Calculated Interest | \$14,472.56 |
| Actual Interest | \$13668.90 |
| Difference | \$803.66 |

| | |
|---------------------------|-------------|
| Calculated Transfer Basis | \$43,659.86 |
| Actual Transfer Basis | \$43377.96 |
| Difference | \$281.90 |
| 65% of Difference | \$183.23 |

| | |
|---|----------|
| Total Additional Amt to Deposit in Plan 3 Account | \$986.89 |
|---|----------|

EXHIBIT B

Jaberi, Emaan R.

From: Steve Strong <skstrong@bs-s.com>
Sent: Monday, March 3, 2025 1:16 PM
To: Guess, Philip; David Stobaugh; Alex Strong
Cc: Carrie Jo Daugherty; Erika Haack; Anders Forsgaard; Mitchell, Robert; andrew.krawczyk@atg.wa.gov; Kiana Reeves; Jaberi, Emaan R.
Subject: Re: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) - Pltfs' ROGs and RFDs

This Message Is From an External Sender

This message came from outside your organization.

Philip, we agree to the extra days for discovery. We do not agree to the request for a delay in hearing the motion on the formula. This motion is not only no surprise, it is ordered by the Ninth Circuit. And it has been briefed before in federal and state court. Your side has already retained an expert. prepared declarations and briefed issues on the three items in the formula. Steve

Get [Outlook for iOS](#)

From: Guess, Philip <Philip.Guess@klgates.com>
Sent: Friday, February 28, 2025 4:11:57 PM
To: Steve Strong <skstrong@bs-s.com>; David Stobaugh <davidfstobaugh@bs-s.com>; Alex Strong <astrong@bs-s.com>
Cc: Carrie Jo Daugherty <cdaugherty@bs-s.com>; Erika Haack <ehaack@bs-s.com>; Anders Forsgaard <aforsgaard@bs-s.com>; Mitchell, Robert <rob.mitchell@klgates.com>; andrew.krawczyk@atg.wa.gov <andrew.krawczyk@atg.wa.gov>; Kiana Reeves <kreeves@bs-s.com>; Jaberi, Emaan R. <Emaan.Jaberi@klgates.com>
Subject: RE: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) - Pltfs' ROGs and RFDs

Steve/David/Alex:

We would like to request an extension to next Friday, February 7 for DRS responses (four-day extension). We are working on the substantive responses but need a few more days.

We would also request an extension for DRS response to your pending Motion for Injunctive Relief from March 14 to March 21. To the extent you would like commensurate additional time on your reply, we would have no objection.

Please let us know if either or both of these extensions are acceptable. Thank you. Have a nice weekend.
Phil Guess.

From: Kiana Reeves <kreeves@bs-s.com>
Sent: Friday, January 31, 2025 4:43 PM
To: Mitchell, Robert <rob.mitchell@klgates.com>; Guess, Philip <Philip.Guess@klgates.com>; andrew.krawczyk@atg.wa.gov
Cc: Steve Strong <skstrong@bs-s.com>; David Stobaugh <davidfstobaugh@bs-s.com>; Alex Strong <astrong@bs-s.com>;

Carrie Jo Daugherty <cdaugherty@bs-s.com>; Erika Haack <ehaack@bs-s.com>; Anders Forsgaard <aforsgaard@bs-s.com>

Subject: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) - Pltfs' ROGs and RFDs

Good evening, Counsel,

Attached for service please find Plaintiffs' Interrogatories and Requests for Documents (January 31, 2025). A Word copy has been provided for your convenience.

Please let me know if you have any difficulties accessing the attachments.

Best,



Kiana Reeves
Paralegal
126 NW Canal Street
Suite 100
Seattle, WA 98107
Ph. (206) 622-3536
Fax (206) 622-5759
kreeves@bs-s.com

This electronic mail message contains information that is or may be legally privileged, confidential, or otherwise protected by law from disclosure and is only for the use of the Addressee named herein. If you are not the intended recipient, you are hereby notified that reading, using, copying, or distributing any part of this message is strictly prohibited. If you have received this in error, please contact us immediately and take the steps necessary to delete the message completely from your computer systems. Thank you.

This electronic message contains information from the law firm of K&L Gates LLP. The contents may be privileged and confidential and are intended for the use of the intended addressee(s) only. If you are not an intended addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at Philip.Guess@klgates.com.

EXHIBIT C

Jaberi, Emaan R.

From: Guess, Philip
Sent: Wednesday, March 5, 2025 5:24 PM
To: Steve Strong; David Stobaugh; Alex Strong
Cc: Carrie Jo Daugherty; Erika Haack; Anders Forsgaard; Mitchell, Robert; andrew.krawczyk@atg.wa.gov; Kiana Reeves; Jaberi, Emaan R.; Nagamine, Ruby A.
Subject: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) -Subpoena Re: John Marshall Declarations
Attachments: 2025-03-05 Notice of Subpoena to Marshall.pdf; 2025-03-05 Subpoena to Marshall.pdf

Counsel,

Attached please find the following documents:

- Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action to John Marshall
- Defendant's Notice of Intent to Serve Subpoena on John Marshall

Please let us know if you will accept service of the subpoena on behalf of Mr. Marshall or if you would like us to serve it. Thank you. Phil Guess.

1 The Honorable Benjamin H. Settle
2
3
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5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 MICKEY FOWLER, LEISA MAURER, and a
11 class of similarly situated individuals,

12 Plaintiffs,

13 v.

14 TRACY GUERIN, Director of the Washington
15 State Department of Retirement Systems,

16 Defendant.

17 Case No. 3:15-cv-05367-BHS

18 DEFENDANT'S NOTICE OF INTENT
19 TO SERVE SUBPOENA ON JOHN
20 MARSHALL

21 TO: PLAINTIFFS MICKEY FOWLER and LEISA MAURER

22 TO: STEPHEN K. STRONG, ATTORNEY OF RECORD FOR PLAINTIFFS

23 PLEASE TAKE NOTICE, pursuant to Federal Rule of Civil Procedure 45(a)(4),
24 Defendant Director of the Washington State Department of Retirement Systems (previously
25 Tracy Guerin, now Kathryn Leathers) intends to serve the attached Subpoena to Produce
26 Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action on
John Marshall.

27 //

28 //

29 //

30 DEFENDANT'S NOTICE OF INTENT TO SERVE SUBPOENA
31 ON JOHN MARSHALL - 1
32 Case No. 3:15-CV-05367-BHS
33 509079031.1

34 K&L GATES LLP
35 925 FOURTH AVENUE, SUITE 2900
36 SEATTLE, WA 98104-1158
37 TELEPHONE: +1 206 623 7580
38 FACSIMILE: +1 206 623 7022

1 DATED this 5th day of March, 2025.
2
3

4
5 K&L Gates LLP
6
7

8 By s/ Philip M. Guess
9

10 Robert B. Mitchell, WSBA # 10874
11 Philip M. Guess, WSBA #26765i
12 Todd L. Nunn, WSBA # 23267
13 925 Fourth Avenue, Suite 2900
14 Seattle, WA 98104
15 Phone: (206) 623-7580
16 Fax: (206) 623-7022
17 Email: rob.mitchell@klgates.com
18 philip.guess@klgates.com
19 todd.nunn@klgates.com
20 Attorneys for Defendant
21
22
23
24
25
26

Attachment A**Definitions**

1. "February 4 Declaration" means Your declaration signed on February 4, 2021, and filed in the Litigation February 4, 2021, at Dkt. 91.
2. "April 1 Declaration" means Your declaration signed on April 1, 2021, and filed in the Litigation April 2, 2021, at Dkt. 114.
3. "February 20 Declaration" means Your declaration signed on February 20, 2025, and filed in the Litigation February 21, 2025, at Dkt. 186.
4. "Class" means the individuals within the class definition certified by the Court in the Litigation.
5. "Director" means the Defendant Director of the Washington State Department of Retirement Systems (previously Tracy Guerin, now Kathryn Leathers).
6. "Documents" has the meaning described in Federal Rule of Civil Procedure 34(a)(1)(A).
7. "Litigation" means the lawsuit filed by Plaintiffs Mickey Fowler and Leisa Maurer against the Director as Case No. 3:15-cv-05367-BHS (W.D. Washington).
8. "Plaintiffs" means Mickey Fowler and Leisa Maurer.
9. "You" or "Your" means John D. Marshall and any other individuals working at his direction with respect to the Litigation, including not limited to individuals employed by Windsor Strategy Partners.
10. "Formula Component One" means the first component of Plaintiffs' proposed formula described in their Motion to Determine Formula for Injunctive Relief, Dkt. 184, relating to daily interest.
11. "Formula Component Two" means the second component of Plaintiffs' proposed formula described in their Motion to Determine Formula for Injunctive Relief, Dkt. 184, relating to transfer incentive payment.
12. "Formula Component Thee" means the third component of Plaintiffs' proposed formula described in their Motion to Determine Formula for Injunctive Relief, Dkt. 184, relating to investment returns.

Document Requests

1. All Documents showing the facts or data You considered in calculating the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component One as set forth in Your February 20 Declaration, including all mathematical formulas used in Your calculations, all databases and computer code used to generate Your calculations, and any other material that explains the manner in which Your calculations were made. Such Documents should be produced in a format, including but not limited to native electronic files, sufficient to identify all data and all mathematical formulas used in Your calculations.
2. All Documents showing the facts or data You considered in calculating the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Two as set forth in Your February 20 Declaration, including all mathematical formulas used in Your calculations, all databases and computer code used to generate Your calculations, and any other material that explains the manner in which Your calculations were made. Such Documents should be produced in a format, including but not limited to native electronic files, sufficient to identify all data and all mathematical formulas used in Your calculations.
3. All Documents showing the facts or data You considered in calculating the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Three as set forth in Your February 20 Declaration, including all mathematical formulas used in Your calculations, all databases and computer code used to generate Your calculations, and any other material that explains the manner in which Your calculations were made. Such Documents should be produced in a format, including but not limited to native electronic files, sufficient to identify all data and all mathematical formulas used in Your calculations.
4. All Documents showing any and all alternative calculations of alleged loss on behalf of Plaintiffs or the Class that You considered but did not include in Your February 20 Declaration, including but not limited to documents showing alternative rates of return that you considered in preparing to calculate or in calculating the amount of loss for Formula Component Three.
5. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component One as set forth in Your February 4 Declaration and Your February 20 Declaration.
6. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Two as set forth in Your February 4 Declaration and Your February 20 Declaration.
7. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Three as set forth in Your February 4 Declaration and Your February 20 Declaration.

8. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component One as set forth in Your April 1 Declaration and Your February 20 Declaration.
9. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Two as set forth in Your April 1 Declaration and Your February 20 Declaration.
10. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Three as set forth in Your April 1 Declaration and Your February 20 Declaration.
11. All Documents showing any of the facts or data You considered in forming the statements and opinions in Your February 20 Declaration.

UNITED STATES DISTRICT COURT
for the
Western District of Washington

MICKEY FOWLER, et al.

Plaintiff

v.

TRACY GUERIN, Director of the Washington State
Department of Retirement Systems

Defendant

)
)
)
)
)

Civil Action No. 3:15-cv-05367-BHS

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To:

John Marshall

(Name of person to whom this subpoena is directed)

Production: **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

| | |
|--|--------------------------------------|
| Place: K&L Gates LLP 925 Fourth Avenue, Suite 2900 Seattle, WA 98104 | Date and Time: 03/19/2025 9:00 am |
|--|--------------------------------------|

Inspection of Premises: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

| | |
|--------|----------------|
| Place: | Date and Time: |
|--------|----------------|

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/05/2025

CLERK OF COURT

OR

s/ Philip Guess

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (*name of party*) _____
Director of the Washington State Department of Retirement Systems _____, who issues or requests this subpoena, are:

Philip Guess, 925 Fourth Avenue, Suite 2900, Seattle, WA 98104, 206-370-5834, philip.guess@klgates.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 3:15-cv-05367-BHS

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for (name of individual and title, if any) _____
on (date) _____.

I served the subpoena by delivering a copy to the named person as follows: _____

on (date) _____ ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Attachment A**Definitions**

1. "February 4 Declaration" means Your declaration signed on February 4, 2021, and filed in the Litigation February 4, 2021, at Dkt. 91.
2. "April 1 Declaration" means Your declaration signed on April 1, 2021, and filed in the Litigation April 2, 2021, at Dkt. 114.
3. "February 20 Declaration" means Your declaration signed on February 20, 2025, and filed in the Litigation February 21, 2025, at Dkt. 186.
4. "Class" means the individuals within the class definition certified by the Court in the Litigation.
5. "Director" means the Defendant Director of the Washington State Department of Retirement Systems (previously Tracy Guerin, now Kathryn Leathers).
6. "Documents" has the meaning described in Federal Rule of Civil Procedure 34(a)(1)(A).
7. "Litigation" means the lawsuit filed by Plaintiffs Mickey Fowler and Leisa Maurer against the Director as Case No. 3:15-cv-05367-BHS (W.D. Washington).
8. "Plaintiffs" means Mickey Fowler and Leisa Maurer.
9. "You" or "Your" means John D. Marshall and any other individuals working at his direction with respect to the Litigation, including not limited to individuals employed by Windsor Strategy Partners.
10. "Formula Component One" means the first component of Plaintiffs' proposed formula described in their Motion to Determine Formula for Injunctive Relief, Dkt. 184, relating to daily interest.
11. "Formula Component Two" means the second component of Plaintiffs' proposed formula described in their Motion to Determine Formula for Injunctive Relief, Dkt. 184, relating to transfer incentive payment.
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2. All Documents showing the facts or data You considered in calculating the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Two as set forth in Your February 20 Declaration, including all mathematical formulas used in Your calculations, all databases and computer code used to generate Your calculations, and any other material that explains the manner in which Your calculations were made. Such Documents should be produced in a format, including but not limited to native electronic files, sufficient to identify all data and all mathematical formulas used in Your calculations.
3. All Documents showing the facts or data You considered in calculating the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Three as set forth in Your February 20 Declaration, including all mathematical formulas used in Your calculations, all databases and computer code used to generate Your calculations, and any other material that explains the manner in which Your calculations were made. Such Documents should be produced in a format, including but not limited to native electronic files, sufficient to identify all data and all mathematical formulas used in Your calculations.
4. All Documents showing any and all alternative calculations of alleged loss on behalf of Plaintiffs or the Class that You considered but did not include in Your February 20 Declaration, including but not limited to documents showing alternative rates of return that you considered in preparing to calculate or in calculating the amount of loss for Formula Component Three.
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6. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Two as set forth in Your February 4 Declaration and Your February 20 Declaration.
7. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Three as set forth in Your February 4 Declaration and Your February 20 Declaration.

8. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component One as set forth in Your April 1 Declaration and Your February 20 Declaration.
9. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Two as set forth in Your April 1 Declaration and Your February 20 Declaration.
10. All Documents showing all facts and data You considered that resulted in the difference in the alleged amount of loss on behalf of Plaintiffs and the Class for Formula Component Three as set forth in Your April 1 Declaration and Your February 20 Declaration.
11. All Documents showing any of the facts or data You considered in forming the statements and opinions in Your February 20 Declaration.

EXHIBIT D

Jaberi, Emaan R.

From: Alex Strong <astrong@bs-s.com>
Sent: Tuesday, March 11, 2025 12:32 PM
To: Guess, Philip; Steve Strong; David Stobaugh
Cc: Carrie Jo Daugherty; Erika Haack; Anders Forsgaard; Mitchell, Robert; andrew.krawczyk@atg.wa.gov; Kiana Reeves; Jaberi, Emaan R.; Nagamine, Ruby A.
Subject: RE: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) -Subpoena Re: John Marshall Declarations

This Message Is From an External Sender

This message came from outside your organization.

Hi Phil,

We have been authorized to accept service of the subpoena for Mr. Marshall.

Separately, I saw in your subpoena that Tracy Guerin has been replaced by Kathryn Leathers. Under FRCP 25, a replacement public officer is automatically substituted in as a party so the caption of this case is now *Fowler v. Leathers*.

Thanks,
Alex Strong

From: Guess, Philip <Philip.Guess@klgates.com>
Sent: Tuesday, March 11, 2025 8:26 AM
To: Alex Strong <astrong@bs-s.com>; Steve Strong <skstrong@bs-s.com>; David Stobaugh <davidfstobaugh@bs-s.com>
Cc: Carrie Jo Daugherty <cdaugherty@bs-s.com>; Erika Haack <ehaack@bs-s.com>; Anders Forsgaard <aforsgaard@bs-s.com>; Mitchell, Robert <rob.mitchell@klgates.com>; andrew.krawczyk@atg.wa.gov; Kiana Reeves <kreeves@bs-s.com>; Jaberi, Emaan R. <Emaan.Jaberi@klgates.com>; Nagamine, Ruby A. <Ruby.Nagamine@klgates.com>
Subject: RE: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) -Subpoena Re: John Marshall Declarations

Counsel:

We are following up on this matter. Please let us know. Otherwise, we will find another means to effectuate service. Thank you. Phil Guess.

From: Alex Strong <astrong@bs-s.com>
Sent: Thursday, March 6, 2025 5:52 PM
To: Guess, Philip <Philip.Guess@klgates.com>; Steve Strong <skstrong@bs-s.com>; David Stobaugh <davidfstobaugh@bs-s.com>
Cc: Carrie Jo Daugherty <cdaugherty@bs-s.com>; Erika Haack <ehaack@bs-s.com>; Anders Forsgaard <aforsgaard@bs-s.com>; Mitchell, Robert <rob.mitchell@klgates.com>; andrew.krawczyk@atg.wa.gov; Kiana Reeves <kreeves@bs-s.com>; Jaberi, Emaan R. <Emaan.Jaberi@klgates.com>; Nagamine, Ruby A. <Ruby.Nagamine@klgates.com>
Subject: RE: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) -Subpoena Re: John Marshall Declarations

Hi Phil,

We'll reach out to Mr. Marshall about whether we will be accepting service on his behalf and get back to you.

Thanks,
Alex Strong

From: Guess, Philip <Philip.Guess@klgates.com>

Sent: Wednesday, March 5, 2025 5:24 PM

To: Steve Strong <skstrong@bs-s.com>; David Stobaugh <davidfstobaugh@bs-s.com>; Alex Strong <astrong@bs-s.com>

Cc: Carrie Jo Daugherty <cdaugherty@bs-s.com>; Erika Haack <ehaack@bs-s.com>; Anders Forsgaard <aforsgaard@bs-s.com>; Mitchell, Robert <rob.mitchell@klgates.com>; andrew.krawczyk@atg.wa.gov; Kiana Reeves <kreeves@bs-s.com>; Jaberi, Emaan R. <Emaan.Jaberi@klgates.com>; Nagamine, Ruby A. <Ruby.Nagamine@klgates.com>

Subject: Probst/Fowler v. Guerin (W.D. WA No. 3:15-cv-05367-BHS) -Subpoena Re: John Marshall Declarations

Counsel,

Attached please find the following documents:

- Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action to John Marshall
- Defendant's Notice of Intent to Serve Subpoena on John Marshall

Please let us know if you will accept service of the subpoena on behalf of Mr. Marshall or if you would like us to serve it. Thank you. Phil Guess.

This electronic message contains information from the law firm of K&L Gates LLP. The contents may be privileged and confidential and are intended for the use of the intended addressee(s) only. If you are not an intended addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at Philip.Guess@klgates.com.

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